

## **GARY KALEITA**

Shareholder

407-418-6334

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With more than 30 years of experience in real estate law, including over 20 years as a Board-certified expert in the field, Gary Kaleita has acquired the ability to navigate the complexities of sophisticated real estate deals with relative ease.

Gary has a wide variety of experience in real estate development, finance and transactions, condominiums, property owners' associations, commercial leasing, commercial lending, and title insurance.

Gary enjoys a reputation for anticipating and avoiding problems, rather than merely reacting to them. He has years of experience handling purchases, sales and financings of commercial and residential projects, including office, industrial, retail, multi-family, single-family, condominium, resort, hotel and golf course properties. Gary has prepared and negotiated contracts for sale and purchase, performed due diligence investigations, and handled all aspects of closings, including issuance of title insurance and legal opinions. He has also performed tax free exchanges (both forward and reverse) under Section 1031 of the Internal Revenue Code, and has handled closings for housing revenue bond financing transactions with the Florida Housing Finance Corporation and various local housing finance authorities.

In the area of real estate development, Gary has assisted developers in obtaining land use approvals, plat approvals and permits for various developments from a number of jurisdictions in Central Florida, including planned developments (PD's) and Developments of Regional Impact (DRI's). He has drafted and negotiated complex land use documents, including development agreements, cost-sharing agreements, declarations of covenants, conditions, restrictions and easements. He also has experience in mall and shopping center developments, including outparcels, and has assisted developers with the selection, formation and operation of business entities, including commercial and residential property owners associations. He has extensive experience with the formation and operation of both commercial and residential condominiums as well.

In addition, Gary has established somewhat of a boutique practice by acting as local counsel to help out-of-state lenders, investors and law firms navigate the complexities of Florida real estate law. He is frequently engaged by large national and international law firms needing assistance on a variety of issues for their clients doing business in Florida. Gary regularly provides advice on Florida law and custom pertaining to purchase and sale contracts as well as loan documents, addresses local due diligence issues, answers questions involving titles, surveys and title insurance, and provides Florida legal opinions.

Not just another real estate lawyer, before pursuing his career in law Gary served as a U.S. Naval officer on active duty for 4 years in the Mediterranean Sea, first with a patrol gunboat squadron in Italy and then at a communications station in Greece. During this period he traveled extensively throughout Europe, the Middle East and North Africa. He believes his military experience is the source of the practical approach he has developed to problem solving.

Gary also took the initiative, after a homeowner in his own neighborhood was mauled by a Florida black bear in 2013, of researching what his homeowners' association could do to limit the likelihood of future attacks. In the process, he became an expert in the subject of "bear-wise" communities and drafted a policy that his own homeowners' association adopted, thereby becoming the first residential community to be officially recognized as bear-wise by the Florida Fish and Wildlife Conservation Commission (FWC). He has since written and spoken extensively on this subject, serves on the FWC's Central Bear Management Unit Stakeholder Group, and has become a resource for FWC to educate other communities on the importance of bear-wise practices in areas of Florida containing black bear habitat.

Gary focuses on finding pragmatic solutions to complex problems, recognizing that clients want sensible and realistic advice in a timely manner so they can go about their business.

Chambers USA (2015)\* reports that Gary has substantial experience acting as lender's counsel and is acclaimed by market sources as an "extremely responsive, very practical and reasonable" practitioner.

\*We make no guarantees or promises that the reader will realize the same or similar results

## ADMITTED

- The Florida Bar, 1983
- U.S. District Court, Middle District of Florida, 1983

## EDUCATION

- University of Florida College of Law (J.D., cum laude, 1982)
  - Order of the Coif
  - Phi Kappa Phi
  - Book Award (Legislation)

- Legal Research & Writing Fellowship Instructor
- Appellate Advocacy Fellowship Instructor
- University of Pennsylvania (B.A., 1976)
  - Rifle Team, Captain

## COMMUNITY ACTIVITIES

- Ivy League Alumni Club of Central Florida, Business Advisory Board
- St. Andrew's Chapel
- Stakeholder Group of the Central Bear Management Unit of the Florida Fish and Wildlife Conservation Commission, Appointed Member
- Be An Angel Therapy Dog Ministries, Inc., Board of Directors and Therapy Dog Handler

## RECOGNITION

- Martindale-Hubbell Rating: AV
- Selected for Best Lawyers in America 2018-2021
- Selected for inclusion in 2006-2013 Florida Super Lawyers
- Listed in Legal 500 US
- Listed in Chambers USA: America's Leading Business Lawyers 2015-2016
- Florida Wildlife Federation "Living with Wildlife" Award Recipient, 2018

## PROFESSIONAL CERTIFICATIONS & MEMBERSHIPS

- Board Certified: Real Estate Law, Florida Bar Board of Legal Specialization and Education since 1993
- Orange County Bar Association
- The Florida Bar
- The Florida Bar, Animal Law Section, Wildlife Committee
- American Bar Association
- Greater Orlando Builders' Association
- U.S. Navy Patrol Gunboat Association
- U.S. Navy Supply Corps Foundation
- Contributing author to The National Law Review, The Real Estate Finance Journal, The Florida Real Estate Journal, The Financial Fraud Law Report, Law360, Florida Realtor Magazine, JDSupra.com and Mondaq.com
- Former speaker for continuing legal education seminars offered by Lorman Education Services and National Business Institute

## ARTICLES

- Buying Property From a Seller Who Doesn't Own it Yet
- Regulation of Drones by Homeowners' Associations
- Minimizing Bear Incidents in Residential Subdivisions
- Developers: Be Wary of Utility Company Easement Forms
- Nuisance Bear Deaths Decline as Bear-Proof Cans and "Bear-Wise" Neighborhoods Rise

- Bears in the Breezeways? Apartment Project Owners and Managers Could Be Liable for Bear Attacks
- Lions, Tigers, and Bears, Oh My! Owner and HOA Liability for Wild Animal Attacks
- Osceola County Proposes Development Moratorium Of Three To Six Months To Implement Changes To Land Use Standards
- Hurricane Irma: Take a Hard Look at the Force Majeure Clauses and Your Business Risks
- New HOA Estoppel Requirements Signed Into Law
- Homeowners' Associations Could Face Liability for Bear Attacks
- Open Permits Can Cause Headaches For Property Owners
- Legal Issues Associated With Selling & Purchasing Failed Residential Subdivisions In Florida
- Acquiring Failed Subdivisions: The Risk of Tyrannical HOAs
- Buying a Distressed Residential Subdivision: Are You Getting In Over Your Head?
- Give Me Shelter: The Ethics of Out-of-State Lawyering
- Declarant Rights: Are Developers Leaving Money on the Table?
- Protect Yourself Against Tenant Construction Liens in Fla.
- Real Estate Considerations in Divorce
- Collateral Granted by Subsidiaries to Secure Parent's Debts is Avoided in Bankruptcy: A Cautionary Lesson for Lenders
- Six Tips for Lenders Foreclosing a Shopping Center
- Selling/Acquiring Distressed Real Estate In Florida: a White Paper on the Advantages and Disadvantages of Six Alternatives, Including Contract and Due Diligence Considerations
- Circumventing the Perils of Ownership: A Lender's Guide to the Receiver's Power of Sale in Florida
- Real Property Tax Exemption for Conservation Easements
- Purchasing Or Foreclosing On A Failed Project? You May Be A "Successor Developer"
- Is the Doctrine of Caveat Emptor Dying in Florida?

## ARTICLES

- [Issues for Buyers to Address When Allowing Sellers to Remain on Property after Closing](#)
- [How Fla. Homebuilders Can Protect Pre-Closing Deposits](#)