Real Estate

Real estate is one of the most popular commercial assets in modern business. Each year real estate transactions become more and more complex and complicated. They often require elaborate structuring and involvement of different legal risk mitigation instruments.

GRATA International is happy to offer its international network of lawyers, who focus on real estate transactions. Our clients trust us because we can combine the knowledge of laws and understanding of the clients’ interests with vast practical experience. Many of our experts have sound experience in construction, development and financial entities.

We advise clients in the area of construction, sale, rental and property management, land relations, development of complex commercial contracts related to the process of construction, management and transfer of rights to real estate; financing real estate transactions, and many other areas. We routinely represent our clients in courts in connection with construction and real estate disputes. Our clients include construction and development companies, banks, real estate funds, management companies, retailers, hotels, industrial, commercial and transport companies, etc.

Our real estate practice has been acknowledged by a number of rankings, including The Legal 500 and Who’s Who Legal.

Services:

▶ Structuring and support of real estate transactions;
▶ Checking the legal status of real estate objects and their owners;
▶ Checking the existence of prohibitions, arrests and other restrictions and encumbrances in relation to real estate objects;
▶ Analysis of tax implications in real estate transactions;
▶ Legal advice on issues arising from the ownership and implementation of real estate transactions;
▶ Representation and protection of interests and rights in relations related to real estate;
▶ Preparation of documents and assistance in organising real estate transactions;
▶ Organisation and advising on easement issues;
▶ Legal support for the organisation of real estate pledge and the imposition of bans, arrests and encumbrances;
▶ Search for real estate objects owned by legal entities and individuals;
▶ Any other types of legal assistance in relation to the ownership, use and execution of transactions with real estate.

Brochures:
Industries

CONSTRUCTION & INFRASTRUCTURE  PHARMACEUTICALS & HEALTHCARE

TECHNOLOGY, MEDIA & TELECOMMUNICATIONS  TRANSPORT

Recognition

Belarus

Pravo 300, 2021, III group

Kazakhstan
Legal 500, Tier 1, 2017-2019
The ‘responsive and reliable’ team at GRATA International Kazakhstan ‘quickly understands what the client needs’, and provides ‘practical responses to legal questions posed’.

Who’s Who Legal: Global Leaders in Real Estate 2016-2019
Yerzhan Yessimkhanov is recommended lawyer

Legal 500, Tier 1, 2020
For the fourth consecutive year, GRATA’s real estate and construction practice dominates the country’s rankings.

Pravo 300, 2021, I group

Legal 500 EMEA 2021, Tier 1

Russia
Experience

**Azerbaijan**

- Acting as a local legal counsel of Statoil company in real estate lease transactions;
- Advising a large Japanese bank on acquisition of an interest in a loan and facility arrangement involving “Baku-Tbilisi-Jeyhan” main export pipeline as a security. Conducting due-diligence and preparing a number of memorandums, advising on effectiveness and due registration of respective land and facility hypothecation agreements etc.;
- Conducting due-diligence and preparing a number of memorandums, advising on the efficiency and proper registration of the relevant land and property mortgage agreements, etc.

**Belarus**

- Representation of investors’ interests in acquisition of a land plot for the construction of a trade center in Vitebsk (Belarus) and support of the construction, negotiations with citizens whose residential buildings were to be demolished for the purposes of the construction;
- Legal support of conclusion of the investment agreement between investors and the Republic of Belarus and acquisition of a land plot for the construction of a trade center in city of Mozyr (Belarus), including coordination, conclusion of an investment agreement and additional agreements to it with the Gomel Regional Executive Committee, legal support for the provision of land, collecting permits, concluding and performance of work contracts,
etc.;

- Advising and legal support of the investor during the implementation of the project on the construction of a plant for the production of liquefied petroleum gases, including coordination process with the Mogilev Regional Executive Committee on the conclusion of an investment agreement and additional agreements to it, advising on the conclusion and execution of construction contracts, the procedure for filing claims to contractors, support of contractual work;

- Advising and legal support for the implementation of the investment project for the construction of three administrative buildings in the city of Minsk (Belarus), including support for the provision of a land plot, change of its borders and purpose, execution of contractual relations with equity construction investors and transfer of land plot rights to the partnership of owners;

- Elaboration of a concept for resolving a dispute between the developer and investors in equity construction regarding parking erected during the construction of the business center, preparing the action plan;

- Legal support of a Belarusian developer – a resident of the FEZ “Minsk” – on the issues related to land relations;

- Representation of interests of a Russian investor in the acquisition of a major production base by purchasing a Belarusian legal entity with a preliminary due-diligence and support of further reconstruction of that base;

- Representation of investors’ interests in the acquisition of a land plot in the central part of Minsk by purchasing a Belarusian legal entity (the land user) with preliminary due-diligence, transaction structuring (M&A), for further implementation of a business center construction project, including consultation on the optimal procedure for occupying additional land plots for implementation of the construction, adjustment of design documentation;

- Legal support of the procedure for obtaining permission of the Minsk City Executive Committee to continue the construction of the facility, the construction of which was previously carried out without permission;

- Advising on the possibilities and the procedure for transferring a part of the land plot together with objects located on it from a state-owned enterprise to a client without an auction or other similar procedures stipulated by the law and on the possibility of building a customer’s production complex on this site with regard to urban restrictions. Development of two options for implementation of the project with risk assessment, preparation of a detailed action plan;

- Representation of the interests of the purchaser of a real estate complex from a bankrupt owner: conducting facility due-diligence, supporting negotiations with an anti-crisis manager, representatives of the bank, the main creditor, verifying compliance with procedures for deciding on the disposal of property, advising on ways to minimize the risks of rescission of the agreement, supporting conclusion of an agreement, state registration of the contract and transfer of ownership;

- Legal support of a Latvian client investing in construction projects in Belarus on a turnkey basis: review of design documents and permits for projects in Minsk and Brest (Belarus), drafting documents for entering of the investor, construction monitoring up to commissioning of the building; support for the conclusion of agreements on equity construction participation, ensuring the registration of the operating company and its support for its current activities;

- Advising on feasibility of reconstruction of a building, which was jointly owned by numerous owners, by adding an additional floor. Preparation of the reconstruction plan approved agreed by the city authorities, which provided for the issue of permits, as well as preparation of a package of documents for collecting consents of the co-owners of premises in the building;
Legal support of the acquisition of a group of companies specialised in supplying infrastructure, industry and logistics solutions for the agro-industrial complex (oilseed processing);

Legal support of the procedure for selecting an additional land plot and obtaining permission for the construction of a gas supply network on public lands for the polymer painting workshop of metal structures;

Legal support for the provision of land for the construction of a shopping center in the Minsk region (Belarus) and the construction of the facility;

Legal support for the conclusion and implementation of an investment agreement between a private investor and a state-owned enterprise engaged in the integrated development of the territory in the historical center of Minsk (Belarus);

Representation of interests of an international group of companies when concluding a casino lease agreement at the Renaissance Minsk hotel, legal support for the development of project documentation and implementation construction and installation works - the casino is opened;

Advising on investing in the construction of a mushroom growing production facility, due-diligence of a Belarusian company, support in a transaction for an investor to acquire a stake in a company and concluding an SHA between the participants.

Georgia

Legal support in the process of conclusion of an agreement on construction of large business center in the territory of Tbilisi (Georgia);

Providing legal consulting services to one of the largest development companies in Georgia.

Kazakhstan

Representing interests of a client, one of the largest local real estate development and property management companies, in a potential purchase of several real estate properties (including business and shopping centres) in Nur-Sultan and other cities of Kazakhstan. Scope of work included drafting project documentation, registering ownership and other activities;

Advising a building company, headquartered in Malaysia, on construction of a luxury residential complex in Almaty (Kazakhstan). Legal assistance included drafting of a construction contract, advising on different aspects of Kazakhstan’s legislation, and negotiations with subcontractors and other parties involved in the project;

Advising a major global property management company in relation to drafting a set of standard agreements for conclusion of property management contracts in Kazakhstan;

Representing a major Turkish real estate developer in a transaction for sale of over 1000 real estate properties (flats and parking spaces) in Almaty (Kazakhstan). Advising included review of sales and purchase agreements, review of documents confirming ownership, providing assistance during sales and purchase agreement signing and other legal support;

Advising an international clothing manufacturer on purchase of several buildings and spaces in Kazakhstan. Scope of
work included advising on reconstruction, service and maintenance of buildings, and leasing. Total value of purchased buildings – around USD 30 million;

- Advising one of the world’s largest construction companies headquartered in Turkey on the dispute with the Kazakh counterparty for construction on one of the largest development projects in Almaty (Kazakhstan);
- Advising an international construction company headquartered in South Korea on the implementation of the largest commercial real estate construction project in the suburbs of Almaty (Kazakhstan), including construction standards and rules of Kazakhstan, participation in project structuring, the drafting of EPC contracts and of other commercial construction agreements;
- Advising a major development company headquartered in the UAE on construction of a multipurpose administrative and residential compound in the city of Nur-Sultan (Kazakhstan), including construction standards and rules of Kazakhstan, advising on project structure, and funding;
- Advising a major Turkish construction company on construction of a shopping mall in Almaty (Kazakhstan), including drafting construction contracts based on FIDIC forms, tax and corporate structuring of activity, obtaining work permits, licenses and construction-related authorisations, and due-diligence of the project and participant companies;
- Representing interests of a client from Kazakhstan in potential purchase of a 5-star hotel in Almaty. Scope of work included thorough and complex due-diligence of ownership rights and corporate structure, transaction structuring and other legal advice);
- Advising a designer bureau headquartered in Italy on reconstruction of one of the biggest hotels in Almaty (Kazakhstan), including advice on the form of legal presence in Kazakhstan, drafting and negotiations of construction contracts based on FIDIC forms.

Kyrgyzstan

- Representing JSC Bank CenterCredit in a dispute over a real estate in Kyrgyzstan worth over USD 50 million;
- Advising FINCA Bank in Kyrgyzstan, subsidiary of Finca International, on acquisition of a building in the capital of Kyrgyzstan to locate the bank’s head office.

Moldova

- Advising a leading developer in Moldova on various real estate projects in Chisinau, with an investment value of over EUR 50 million, including review of documentation before and after closing, as well as permissive aspects;
- Advising a Moldovan subsidiary of a leading global healthcare company on the construction of its Excellence center and operational offices in Moldova, including the preparation of the necessary documents and lease agreements concluded by the company within the framework of a public-private partnership project with an investment value of over EUR 20 million;
- Advising one of the leading Moldovan TV broadcasters in the process of an extensive assessment of its assets and ongoing contracts;
- Advising a leading Moldovan agrochemical and agricultural corporation on major restructuring of the group’s
subsidiaries;
- Advising a major real estate developer from Luxembourg (Investment Fund), in connection with the acquisition of a food factory located in Moldova;
- An EU based real estate investor in relation to the acquisition of an office centre in Chisinau, for a total transaction value of EUR 20.5 million;
- Advising a group of EU real estate investors in connection with the purchase of a 279,000 sqm land plot in Anenii Noi, for the development of a EUR 20 million real estate residential and commercial project.

**Mongolia**

- Advising a client on the acquisition and registration of real estate, financial measures for real estate development, and its management;
- Legal due-diligence on transfer and registration of property and property lease;
- Assistance to the client in obtaining permission to start construction;
- Advising a client on a permit for the construction of a production workshop; Drafting workshop, office, and commercial premise leasing agreement;
- Registration of workshop leasing agreement to the authority;
- Advising and assisting the client on the acquisition of land ownership.

**Russia**

**Samara:**

- Long-term successful cooperation with M.Video Management in court disputes over registration of property rights to real estate;
- Conducting a successful legal due-diligence for a leading Russian supplier of acrylic and quartz stone on the issue of real estate, engineering infrastructure, equipment, development of a general structure of the transaction and asset ownership scheme, investment methods;
- Comprehensive advice to Doppelmayr Russia on construction procedures, import of equipment, the need for licensing of construction activities and obtaining special permits for such works, coordination of subcontracting contracts with local construction companies;
- Advising Gazinvest Investment Company in a transaction to invest in the construction of a large facility on a public-private partnership basis.

**Rostov-on-Don:**

- Legal support of an investment project for the construction of a medical center;
- Advising a world leader in the food trade on an investment project for the construction of an export grain terminal;
- Advising the largest Russian agro-industrial holding on due-diligence and acquisition of agricultural enterprises;
- Representing a major global grain trader in a dispute with the administration of the city of Rostov-on-Don (Russia) on the issues of collecting rent for land plots;
- Legal support in disputes on the establishment of the cadastral value of real estate objects. Representation in a legal dispute on the ownership of shares to issuers;
- Representation of an international company in a dispute with Russian Railways over the right to own a part of a land plot occupied by railway tracks;

**Ukraine**

- Legal support of an investment project for the construction of a plant for the production of rubber seals for car industry;
- Legal support in the acquisition of a building in Kyiv (Ukraine) (including due-diligence) for further reconstruction and opening the hotel;
- Legal support in the acquisition of a building in Kyiv (Ukraine) (including due-diligence) for further reconstruction and opening the food court;
- Representing the interests of a foreign investor in the preparation of a lease agreement for a woodworking plant;
- Representation of clients' interests in the optimisation of real estate rights in Crimea;
- Representation of the client's interests in the re-registration of the designated purpose of land plots for the construction of a townhouse village;
- Drafting of the report covering analysis of the structure for contemplated financing of acquisition of asset and further construction of premises for lease;
- Legal support in the transaction for the purchase and sale of a shopping center;
- Representing the client's interests in structuring and negotiating of a lease agreement for a machine assembly department;
- Representing the client's interests in litigation with a public authority on termination of servitude agreements.

**Uzbekistan**

- Due-diligence inspection and full legal support for the Embassy of Algeria in Uzbekistan in respect of purchasing a privately held real estate in the centre of Tashkent, (Uzbekistan);
- Due-diligence inspection of a building offered for sale to UzKDB Uzbekistan to locate the bank’s headquarter office in Tashkent (Uzbekistan), full legal support of the transaction;
- Due-diligence inspection of a building offered for sale to Knauf Gips Bukhara to locate its representative office and construction materials show-room in Tashkent (Uzbekistan);
- Due-diligence of a building offered for sale to Transatlantic to locate pharmaceutical products warehouse in Tashkent (Uzbekistan);
- Advising Daewoo International Corporation in a dispute against the largest telecommunication operator in respect of an illegal attempt to premature termination of lease of office premises agreement;
Assisting Alstom Holdings – in a dispute with landlord on late payment of lease fees and termination of lease agreement; Assisting Cisco – in amending lease terms before its expiry;

Helping Cisco change lease terms before expiration.

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