



# Ted Herzog



## PARTNER

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503.802.2033 direct

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## LEGAL SERVICES

Real Estate & Land Use

Seniors Housing

Business & Corporate

## EDUCATION

J.D., with honors, University of Texas School of Law, 1989

B.A., *cum laude*, Washington State University, 1984

## BAR & COURT ADMISSIONS

Oregon State Bar, Real Estate and Land Use and Business Sections

Washington State Bar Association

Idaho State Bar

## AWARDS & RECOGNITION

**The Best Lawyers in America**  
2013-2022, Real Estate Law

**Chambers USA: America's Leading Lawyers**  
2014-2015, Recognized Practitioner – Real Estate

## PROFESSIONAL MEMBERSHIPS

**American Bar Association**  
Real Property, Trust and Estate Law Section, Member  
Seniors Housing Committee, Member

**Multnomah Bar Association**

## COMMUNITY INVOLVEMENT & ACTIVITIES

**Washington State University Foundation**  
Board of Trustees

**Oregon State Parks Trust**  
Volunteer Lawyer  
Former Chairman and Trustee

Ted is a member of Tonkon Torp's Real Estate & Land Use Practice Group. His practice focuses on real estate acquisitions, sales, leasing, financing, and development, particularly in the seniors housing market. Additionally, he counsels on general business matters and negotiates and drafts a wide variety of business contracts. He has been recognized by Best Lawyers in America for his real estate law expertise. Ted takes a practical, efficient approach to addressing his clients' legal needs. He stresses good communication and results.

## Representative Matters

Representing owners of retirement residence companies — Ted counsels on real estate transactions, business sales and acquisitions, and construction and permanent loan transactions throughout the United States, including Fannie Mae and Freddie Mac loans.

Represented two affiliated senior living facilities in the sale of the businesses and underlying real property. This sale involved a payoff of a Housing and Urban Development (HUD) loan and coordination with the buyer for a replacement HUD loan at closing. In light of reduced occupancy amidst COVID-19, Tonkon Torp assisted the parties in negotiating a purchase price holdback to be released to either buyers or seller over the course of a year based on post-closing occupancy rates.

Timberland and mill purchases and sales in Oregon, Idaho, Montana, California and Washington — Ted provides day-to-day advice on real estate and general business matters such as easements, timberland transactions, Sec. 1031 exchanges, and standardizing business forms.

Represented client in the acquisition of bare land in Gresham, Oregon for development of a 250 lot subdivision, including negotiation of a secured purchase money loan and take-down agreements to sell the future lots to a residential homebuilder. Represented the buyer of a warehouse in N.W. Portland with Small Business Administration (SBA) financing, including negotiating and drafting the purchase and sale agreement, a short-term lease back to the seller, and forming a new entity to take title.

Office, commercial, and industrial leasing transactions representing landlords and tenants. Negotiating, drafting, and reviewing purchase and sale agreements for real estate concerns and businesses. Ted also handles secured lending, leases, easements, sale-leaseback transactions, and other transactions.

Negotiating and drafting organizational documents for joint ventures, limited liability companies, and other entities for real estate investments.

## Presentations & Publications

“USA Regional Real Estate Guide – Oregon,”  
Chambers and Partners, May 2019

Oregon CLE Chapter on Boundary Line Disputes  
and Encroachments

