

# Walter D. Cupkovic

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## THOMPSON COBURN LLP

Walter D. Cupkovic is Co-Chairman of Thompson Coburn's Real Estate Practice Area. With over 28 years of experience, his practice area includes the acquisition, development and sale of commercial, industrial and residential properties for corporate and real estate clients nationally and internationally. He further assists clients with the resolution of title, environmental and governmental issues arising out of such transactions, and leasing of commercial and industrial properties, representing both landlords and tenants.

He has reviewed and negotiated numerous construction contracts, construction loan documentation and has prosecuted a substantial number of construction claims, including mechanics' lien and surety bond claims, many of which have involved complex bankruptcy issues.

### Education

- **Loyola University of Chicago**  
J.D. (1979)
- **Northwestern University**  
B.A. (1974)  
Duchich Scholarship Recipient (1974)  
Parma Parent Teacher Association Scholarship Recip (1970)

### Noteworthy

- **"Illinois Super Lawyer"**  
(Top Five Percent) in Real Estate Transactions, Law and Politics - Illinois Super Lawyers (2005 and 2006)
- **"Top Commercial Real Estate Lawyers"**  
As recognized by Midwest Real Estate News (2006)



### Primary Practice Areas

- Construction Law
- Government Relations
- Real Estate
- Real Estate Tax Assessment
- Zoning & Licensing

### Licensure

- Illinois (1979)
- U.S. District Court, Northern District of Illinois (1979)

### Professional Affiliations

- American Bar Association
- Chicago Bar Association
- Chicago Real Estate Council
- International Council of Shopping Centers
- Real Estate Investment Association

### Employment

- **Contract Analyst for major manufacturing and construction firm**  
(1975-1980)

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## Representative Matters

- **Complex Real Estate Matter Experience**  
Negotiated and closed, on a national basis, numerous commercial and industrial real estate transactions, on behalf of sellers and buyers, many in conjunction with the sale or acquisition of businesses and involving complex environmental issues, for a variety of clients, including, a number of corporations which are members of one of the largest privately held manufacturing group of companies in the United States.
- **Real Estate Leasing/Economic Incentives**  
Prepared and negotiated, nationally and internationally, several office, manufacturing, warehouse, retail (including, restaurants, clothing and specialty stores) and other types of commercial and industrial leases and license agreements for clients ranging from publicly traded companies to entrepreneurial privately held entities of all sizes. Many of these lease negotiations dealt with governmental or quasi-governmental entities and involved the securing of various economic or other tax related incentives.
- **Successful Prosecution of Construction Claims**  
Prosecuted successfully, throughout the United States, several substantial construction mechanics' and materialmen lien, bond and trust theory claims, on private and federal, state, and local public projects, many involving bankruptcies of debtors, contractors and owners, or liquidation of sureties, for institutional manufacturing and construction clients.
- **Negotiating Construction Agreements**  
Drafted and negotiated various construction agreements on behalf of owners, design professionals, contractors, subcontractors and material suppliers.
- **Real Estate Development—Start to Finish**  
Assisted in the development of real estate for residential, commercial or industrial purposes from the initial performance of due diligence in connection with the acquisition of the raw land, including, environmental due diligence, the subsequent acquisition of the raw land, obtaining economic incentives, zoning changes or variances, subdivision approvals and other necessary developmental approvals from governmental authorities, negotiating the loan, design professional and construction agreements and reviewing lien waivers and construction affidavits in connection with the construction process.

## Speaking Engagements

- "Credit Due Diligence and Protection of Third Party Rights" and "When Customers/Projects Go Bad/Creditors' Rights and Bankruptcy." National Cement Credit Association Conference (October 2009)
- Co-Chair/Speaker: "Making and Killing Deals: What You Need to Know About the Real World Today" Advanced Real Estate Purchases and Sales Conference, Law Seminars International (March 2009)
- "Ethical Considerations for Counsel and Fiduciary Obligations Between Partners; Fiduciary Duty and Standards of Good Faith and Fair Dealing" Real Estate Joint Ventures Challenges, Strategies and Opportunities Conference, Law Seminars International (February 2009)
- "Negotiating Key Lease Provisions from a Lender's Perspective" Advanced Conference on Commercial Real Estate Leases, Law Seminars International (September 2007, 2008 and 2009)
- "Lease Negotiation Overview" Commercial Real Estate Broker Presentation (August 2008)
- Co-Chair/Speaker: "Addressing Environmental Issues in Real Estate Transactions," Advanced Real Estate Purchases and Sales Conference: Tips and Strategies for Structuring, Negotiating and Documenting Major Commercial Property Sales, Law Seminars International (March 2008)
- "Overview of Construction Law, Mechanics' Lien and Bond Claims and Bankruptcy Issues" Square D Company/TeamWorks Midwest Executive Council Meeting (February 2008)
- "Legal Environmental Considerations" Commercial Real Estate Due Diligence Conference, InCreMental Advantage (May 2007)
- Co-Chair/Speaker: "Quick Tips on Specialized Issues" Advanced Real Estate Purchases and Sales

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Conference, Law Seminars International (March 2007)

- "Lease Pass Throughs" FagelHaber LLC Internal Educational Seminar (December 2006)
- "Environmental Issues in Real Estate Agreements" FagelHaber LLC Internal Educational Seminar (October 2006)
- "Hidden Exposure in Lease Transactions" Client Seminar (October 2006)
- "How to Win When Bankruptcy Strikes Your Construction Project" FagelHaber LLC Seminar (May 2005)
- "Doing Your Due Diligence" National Association of Credit Management (NACM) Construction Conference (June 2004)
- "Alternative Construction Remedies - Beyond Private Mechanics' Lien and Public Bond Claims" National Association of Credit Management (NACM) Construction Conference (June 2004)
- "Lien on Them – No Funds Left Behind" Numerous Client National Seminars (May 2001 - August 2004, June 2008)
- "Mechanics' Liens, Bond Claims and Bankruptcy" FagelHaber LLC Internal Educational Seminar (November 2003)
- "Protecting the Business Side of Your Consulting Practice" Topics - Managing Receivables by "Liening" on Your Clients, FagelHaber LLC Seminar (October 2003)
- Moderator/Speaker: "Doing Your Due Diligence," FagelHaber LLC Seminar (May 2003)
- "Due Diligence in Real Estate Transactions" Illinois Paralegal Association Conference (November 1999)

## **Publications**

- "Building a House of Worship: Development and Renovation of Real Properties by Religious Organizations" *Guide to Representing Religious Organizations*, American Bar Association (2009)
- Newsletter *Protecting Against a "Nonpreferred" Result in Construction Claims*
- Newsletter *BEWARE: Conditional Waivers And Releases Might Not Be What You Think*