



BASSFORD REMELE

John C. Holper
SHAREHOLDER



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PRACTICE GROUPS

Construction
Real Estate
Commercial Litigation
Documentation and Litigation

INDUSTRY GROUPS

Construction
Financial Services
Real Estate

OVERVIEW

John Holper is an experienced construction and real estate trial attorney. John has more than 30 years of experience representing commercial and residential owners, commercial landlords and tenants, lenders, business entities, developers, contractors, subcontractors, material suppliers, architects, and engineers. John works with his clients not only when a dispute arises, but also on the front end by applying his litigation experience to help draft and negotiate construction-related contracts in order to manage risk and avoid litigation whenever possible.

John possesses extensive knowledge in such areas as construction contract formation, review and disputes, construction defects, warranty issues, mechanic's liens, surety, payment and performance bonds, contractor licensing and governmental enforcement proceedings, insurance coverage disputes, landlord/tenant disputes, easements, boundary disputes, condemnation, and restrictive covenants. In addition to his construction and real estate practice, John has also litigated a variety of commercial disputes including matters involving shareholder disputes, creditor's remedies actions, and commercial breach of contract actions.

EDUCATION & ADMISSIONS

Education

Hamline University School of Law, J.D.

- *Hamline Law Review*, member

Michigan State University, B.S.

Bar Admissions

- U.S. District Court, District of Minnesota
- U.S. District Court, District of Colorado
- U.S. District Court, District of North Dakota
- Minnesota

EXPERIENCE

Representative Construction Cases

- Successfully represented well-known restaurant to enforce the exercise of a lease extension. Court granted summary judgment in favor of client finding the landlord in breach of contract.
- Successfully represented multi-story apartment developer in recovering in excess of \$2 million on substantial construction defect claims against general contractor, multiple subcontractors, and design professionals.
- Successfully represented general contractor in the pursuit of a performance and payment bond claim against surety and principal.
- Successfully represented a general contractor in defense of a United States Department of Labor prevailing wage and labor investigation.
- Successfully represented commercial property owner through trial and on appeal in connection with a construction defect and insurance coverage claim against a commercial roofing contractor. Client obtained jury verdict in excess of \$1 million.
- Successfully represented a commercial property owner in connect with a declaratory judgment action seeking to establishment insurance coverage for damages from an unexpected roof collapse.
- Successfully represented a general contractor in the prosecution of a South Dakota mechanic's lien claim and defense of a counterclaim alleging various construction defects.

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EXPERIENCE

Representative Construction Cases

- Successfully represented a project developer in connection with a failed construction project and in the prosecution of a mortgage foreclosure action. Obtained summary judgment on behalf of the lender establishing the priority of its mortgage, authorizing the lender to foreclose its mortgage, and directing judgment in favor of the lender and against the borrower in an amount in excess of \$5 million.
- Successfully represented city residents in connection with claims against the city arising from the City's failure to properly maintain sewage infrastructure, which resulted in damage to residents' homes.
- Successfully represented a construction project developer in the recovery of substantial damages from a general contractor who abandoned a multi-million-dollar construction project, and defended subcontractor payment claims.
- Representation of national retailer and affiliated in multiple mechanic's lien, construction defect and payment disputes.
- Representation of numerous general contractors, and material suppliers in connection with the prosecution, defense and resolution of mechanic's lien, construction defect, payment insurance coverage and payment and performance bond disputes.
- Representation of several residential contractors in connection with the defense of Minnesota Department of Labor and Industry licensing investigations and administrative enforcement proceedings.
- Representation of numerous owners, developers, contractors, subcontractors and material suppliers in connection with the drafting and negotiation of a variety of construction contracts, purchase orders, architect agreements and engineering agreements.

Representative Real Estate Cases

- Successfully represented residential seller in connection with a dispute with the purchaser over the contractual and statutory termination of a residential purchase agreement.
- Successfully represented an apartment building owner in a contested eviction action.
- Successfully represented a lender in connection with the sale of bank-owned real property and defense of a claimed right of first refusal by adjoining landowner.
- Successfully represented national retailer and affiliates in connection with condemnation proceedings.
- Successfully represented national retailer in defense of claims by a shopping center owner and competing tenant seeking to enforce restrictive use covenants contained in a Reciprocal Easement Agreement.
- Successfully represented individual purchaser of tax-forfeited property in connection with a challenge by a prior regarding the enforceability of purchase, and the applicability and scope of the tax forfeiture statute.
- Successfully represented a broker in connection with the collection of commission.
- Successfully represented title insurance company in various matters including lien priority actions, defense of mechanic's liens, quiet title actions, easement enforcement actions, and foreclosure actions.

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EXPERIENCE

Publications

- *Adapting to The Uncertainty of Construction Costs: Why Price Escalation Clauses Are More Vital Than Ever*, co-author, Associated General Contractors of Minnesota, July 2024
- *Price Escalation in Construction Projects: How to Protect Your Interests*, author, December 14, 2021

Seminars

- *Expect the Unexpected: How to Map Out, Manage and Mitigate Risk in Your Construction Project*, presenter, Law Firm Webinar, May 3, 2023
- *Avoiding Disputes, Winning Disputes & Construction Finance*, presenter, Minnesota Real Estate Journal Annual Minnesota Construction Summit, January 23, 2023
- *A Comprehensive Guide to Mechanics' Liens in Minnesota*, presenter, Minnesota Continuing Legal Education, May 31, 2022
- *Mechanic's Liens and the Practical Implications for the Construction Lender*, presenter, Lorman Educational Services
- *Failed Residential Developments*, presenter, Minnesota State Bar Association Construction Law Section, 2008
- *Banking Litigation, Collection, Work-Out, Foreclosure and Bankruptcy Basics*, presenter, Lorman Educational, 2004
- *Avoiding the Potholes & Dodging the Quicksand – Arbitration Clauses in Construction Contracts Pros and Cons*, presenter, Construction Industry Seminar, 2004
- *Commercial Real Estate Financing in Minnesota*, presenter, 2001-2003

PROFESSIONAL & CIVIC

Bar Associations

- American Bar Association
- Minnesota State Bar Association
 - Construction Section
- Hennepin County Bar Association

Professional Associations

- Associated General Contractors of Minnesota
- NAIOP Minnesota | Commercial Real Estate Development Association

Civic Involvement

- Woodbury Youth Coach
- Transfiguration Catholic Church and School, former Trustee
- Midland Hills Country Club, former member, Board of Directors

ACCOLADES

Honors & Awards

- Top Lawyers list, Construction Law, *Minnesota Monthly*, 2024
- *The Best Lawyers in America*®, Construction-Litigation, 2023-present; Construction Law, 2024-present
- Minnesota Super Lawyers list, *Super Lawyers*, 2011-present
- Rated AV Preeminent® by Martindale-Hubbell®