

## Kevin T. Lytle

Scottsdale, Arizona  
Shareholder

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### Areas of Practice & Industry Specialties

Real Estate; Real Estate Finance; Commercial Lease Law; Community Development Finance Law



Kevin Lytle is a Shareholder in Buchalter's Scottsdale office, a member of the Firm's Board of Directors, and Co-Chair of the Firm's REIT Transactions and Compliance Industry Group. Mr. Lytle represents clients in a broad range of real estate transactions involving sales and acquisitions, leases, sale-leasebacks, construction and permanent loans, acquisition loans, refinancings, loan and lease modifications and intercreditor agreements. He represents public and private real estate investment trusts, family offices, private equity, and other commercial entities. Mr. Lytle also has experience in business entity creation, including bankruptcy-remote structuring and commercial landlord-tenant law. Typical matters handled by Mr. Lytle relate to commercial properties, shopping centers, gas station/convenience stores, office buildings, industrial properties, and auto dealerships.

Mr. Lytle has also been selected as a part of the *Best Lawyers in America*, Real Estate Law, 2023.

### Representative Matters

Real Estate Counsel to largest privately owned US auto dealership enterprise, Van Tuyl Group, in its sale to Berkshire Hathaway of 138 parcels of property located in ten states (price undisclosed; seller revenues of US \$10 billion).

Primary outside counsel to a real estate investment trust in more than 500 acquisitions of net leased commercial property and loan portfolios and financing thereof, with an aggregate value exceeding US\$10 billion, with sample transactions such as:

- US\$1.25 billion disposition of 454 retail properties located in 41 states
- US\$625 million disposition of 18 industrial properties located in 12 states, including transfer of two sites encumbered by TIF Bonds and an \$86 million loan assignment
- US\$248 million acquisition of a 2.3 million square foot home improvement retailer distribution facility
- US\$194 million CMBS financed acquisition of 27 net leased commercial properties
- US\$155 million acquisition and corporate leaseback of 50 casual restaurant properties
- US\$150 million acquisition of four hospital campus medical office buildings
- US\$150 million acquisition of 44 pharmacy properties in 14 states
- US\$138 million disposition of 340,000 square foot headquarters of defense contractor company
- US\$115 million acquisition of shopping center portfolio totaling more than 1 million leasable square feet
- US\$80 million acquisition of 20 net leased gas station/convenience store properties
- US\$74 million commercial mortgage loan acquisition secured by national headquarters of S&P/Fortune 500 energy company
- US\$73 million acquisition of 49-tenant retail power center
- US\$72 million acquisition of US headquarters of international pharmaceutical company

- US\$70 million CMBS financed acquisition and leaseback transaction related to corporate headquarters of national casino operator
- US\$105 million bank financing secured by five properties located in multiple states
- US\$61 million life company financing secured by seven properties located in multiple states
- US\$55 million CMBS financing secured by nine properties located in multiple states

Primary outside counsel and outside counsel to a leading commercial lender in over 100 transactions with an aggregate value in excess of US\$1 billion, with sample transactions such as:

- Primary outside counsel with respect to 25 property sale with US\$25.6 million bridge loan secured by those properties
- Primary outside counsel with respect to US\$16.6 million loan to single-purpose, bankruptcy-remote entity, secured by 25 properties, and master lease of those properties to affiliate of borrower
- Outside counsel with respect to US\$110 million acquisition and leaseback transaction related to 121 retail petroleum/convenience stores
- Outside counsel with respect to US\$62 million acquisition and leaseback transaction related to 102 auto parts retail stores
- Outside counsel with respect to US\$30 million acquisition and leaseback transaction related to 20 microbrew/restaurant

#### **Publications**

- Comments on Proposed 199A Regs Regarding Qualified REIT Dividends Due Soon, *Buchalter Client Alert*, April 4, 2019
- Rock-a-bye Baby: When Determining How and Where the Cradle Should Fall, Nebraska "Blows It"—An Examination of Unwed Fathers' Rights Regarding Their Children and Nebraska's Infringement of Those Rights, 74 Neb. L. Rev., 74 *Neb. L. Rev.* (1995), Jan 1, 1995

#### **Presentations**

- Presenter, "Commercial Real Estate Acquisitions: Process and Approach from LOI to Closing," Phoenix, AZ, March 14, 2018
- Presenter, "Commercial Real Estate Acquisitions: Process and Approach from A to Z," Phoenix, AZ, June 16, 2017
- Presenter, "Real Property Acquisitions: Advanced Due Diligence Issues," Phoenix, AZ, November 13, 2015
- Presenter, "Considerations When Acquiring Multi-Tenant vs. Single-Tenant Properties," International Council of Shopping Centers – 2015 US Shopping Center Law Conference, October 30, 2015

#### **Education**

Mr. Lytle earned his J.D. with high distinction from the University of Nebraska College of Law where he served as an Articles Editor at the *Nebraska Law Review* and was a member of Order of the Coif. He earned his B.S. with high distinction from the University of Nebraska and was a member of Mortar Board and Beta Gamma Sigma.

#### **Bar Admissions**

- Arizona
- Nebraska (Inactive)

#### **Court Admissions**

- Arizona Supreme Court

- Nebraska Supreme Court
- United States District Court for the District of Arizona
- United States District Court for the District of Nebraska