



John M. Koneck

SHAREHOLDER

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Services

Litigation

Real Estate Litigation

Real Estate & Construction

Bankruptcy, Restructuring & Workouts

Private Equity

Construction

Debt Finance

Unique among his real estate lawyer peers, John handles both complex real estate transactions, including sales, financings and leases, and complex real estate disputes and litigation, including contract disputes, foreclosures, workouts and bankruptcy.

John is a real estate lawyer. His goal is to help his clients obtain their business objectives—in a transaction, that usually means closing a deal, and in a dispute, it usually means winning. John has represented clients in transactions across the United States, has tried cases in various state and federal courts, and has represented clients in arbitrations. He has handled real estate transactions and disputes involving commercial, industrial, and multi-family sales and acquisitions, brokerage agreements, commercial lease, tax and business planning, and construction and permanent real estate financing. He also has substantial experience in bankruptcy and debtor/creditor law and has represented borrowers and lenders in real estate workouts, and debtors and secured parties in real estate bankruptcy cases. John also regularly counsels his real estate clients on the legal aspects of their business, disputes, and risk-management strategies.

John is certified as a Real Property Law Specialist by the Real Property Section of the Minnesota State Bar Association. He is a member of the American College of Real Estate Lawyers and the American College of Mortgage Attorneys. He frequently lectures and writes about real estate, real estate litigation and bankruptcy issues for professional groups, including lawyers, accountants, lenders and real estate professionals, and he has taught courses on real estate law for law students. He is listed in various *Super Lawyer* lists, *Chambers USA* and *The Best Lawyers in America*. John is President of Fredrikson & Byron, P.A., a member of the firm's Executive Committee and its Board of Directors, and is a shareholder in Fredrikson's Real Estate Group.

Experience

Transactions

- Currently represents a large multi-family developer/owner/operator/management company in the acquisition, financing, re-financing, leasing and sale of several projects in the Midwest and Southern United States.

- Represents a national build-to-suit developer in transactions in various parts of the United States, including the acquisition, financing, construction, leasing and selling of office, warehouse, retail and mixed use properties.

Transactions & Disputes

- After representing a minority owner of a large office and retail project in the successful, simultaneous work-out negotiations and litigation with the majority owners and lender, resulting in the minority owner gaining control of the project, currently represents the owner of the project and the leasing and management of approximately 300,000 square feet of office and retail space.
- Represented the owner of substantial waterfront property in successful sale of the property to multiple buyers, including negotiations, termination of a purchase agreement for non-performance and specific enforcement of a purchase agreement through litigation.

Disputes

- Represented a lender in workout negotiations, foreclosure of a mortgage on a large retail and multi-family residential mixed use property, and sale of the property, including successfully litigating the appointment of a receiver and obtaining relief from the automatic stay in bankruptcy proceedings.
- Represented retail and office developer in a \$50 million dispute with national lender through three years of foreclosure, receivership and lender liability litigation, ultimately resulting in the developer re-financing and paying the lender to release its claims several million dollars less than the debt and less than the developer offered the lender before litigation commenced.
- Represented a residential and mixed-use land developer in simultaneous workout negotiations with eight different lenders, including successful re-structuring or forgiveness of debt with six lenders, and substantial litigation in trial and appellate courts with the other lenders. Ultimately, the developer successfully retained ownership of several projects.

Credentials

Education

- Yale Law School, J.D., 1978
- North Dakota State University, B.S., 1975, *with honors*

Admissions

- North Dakota, 1978

- Minnesota, 1979
- U.S. District Court for the District of Minnesota, 1979
- U.S. District Court for the District of North Dakota, 1980
- U.S. Court of Appeals for the Eighth Circuit, 1984

Clerkships

- Clerk, Honorable Robert Vogel, North Dakota Supreme Court, 1978
- Clerk, Honorable Gerald W. Vande Walle, North Dakota Supreme Court, 1978-79

Recognition

- Minnesota 500, The Most Powerful Business Leaders in Minnesota, *Minnesota Monthly*, 2022
- Super Lawyer—Real Estate, *Minnesota Super Lawyers*, 1994, 1997-1998, 2001-present
- Minnesota 500, The Most Powerful Business Leaders in Minnesota, *Minnesota Monthly*, 2021
- *Minnesota Lawyer's* POWER 30: Real Estate and Construction Law, 2021, 2022
- Minnesota 500, The Most Powerful Business Leaders in Minnesota, *Minnesota Monthly*, 2018
- North Star Lawyer, Minnesota State Bar Association, 2014-2021
- Pro Bono Publico Distinguished Service Award, Hennepin County Bar Association, 2015
- Real Property Law Specialist, certified by the Real Property Section of the Minnesota State Bar Association
- Listed in various *Super Lawyers* lists
- *The Best Lawyers in America*, 1999-present
- *Best Lawyers' Lawyer of the Year* in Minneapolis Litigation—Real Estate, 2013, 2018, 2020
- *Chambers USA: America's Leading Lawyers for Business*, Minnesota — Band 1-Real Estate
- 200 Minnesotans You Should Know, *Twin Cities Business*, 2011
- REDA Star Award
- Volunteer of the Year, Lawyer's Professional Responsibility, 2004
- Phi Kappa Phi

Civic & Professional

Professional Activities

- Fredrikson & Byron, P.A., President
- Minnesota State Board of Law Examiners, President
- American Bar Association, Member
- Minnesota State Bar Association, Real Property Section, Pro Bono Committee, Chair
- Minnesota State Bar Association, Member, Real Property Section, Bankruptcy Section, and Rules of Professional Conduct Committee
- State Bar Association of North Dakota, Member
- Hennepin County Bar Association, Member
- Volunteer Lawyers Network, Member
- American College of Real Estate Lawyers, Fellow
- American College of Mortgage Attorneys, Fellow
- Minnesota Board of Legal Certification, Supreme Court of Minnesota, Member, 1994-1999; Chair, 1996-1999
- Minnesota State Bar Association, Real Property Section, Council Member, 2000-2016; Co-Chair, Real Property Certification Council, 1990-2016
- Litigation and Dispute Resolution, Committee of the Section of Real Property, Probate and Trust Law of the American Bar Association, 1995-1998

Community

- Minnesota State Board of Law Examiners, President

News

Firm News | 06.01.2023

Fredrikson Recognized by 2023 Chambers USA

Firm News | 02.21.2023

With Help of Fredrikson Pro Bono Team, Louisiana Man on Death Row Leaves Prison After a 15-Year Legal Battle

Firm News | 01.18.2023

Fredrikson Mourns the Passing of COO Robert Hamilton

Firm News | 01.09.2023

John Koneck Earns Minnesota 500 Award

Firm News | 10.20.2022

Fredrikson & Byron Announces Results of 2022 Board Elections

Firm News | 07.18.2022

Fredrikson & Byron Attorneys Named 2022 Minnesota Super Lawyers and Rising Stars

Firm News | 06.30.2022

Mark Vyvyan, Brian McCool, John Koneck and Alyssa Troje Among Minnesota Lawyer's POWER 30 Attorneys

Firm News | 06.16.2022

Fredrikson & Byron Attorneys Recognized as North Star Lawyers

Firm News | 06.02.2022

Fredrikson & Byron Recognized by 2022 Chambers USA

Firm News | 10.01.2021

Attorney John Koneck Selected for Minnesota 500 Award

Firm News | 07.01.2021

John Koneck, Brian McCool, Alyssa Troje and Mark Vyvyan Among Minnesota Lawyer's POWER 30 in Construction and Real Estate Law

Firm News | 05.20.2021

Fredrikson & Byron Recognized by 2021 Chambers USA

Firm News | 11.15.2018

Fredrikson & Byron is the First Private Law Firm to Receive the Sam Dalton Capital Defense Advocacy Award

Firm News | 06.22.2017

Fredrikson & Byron Selected for its Eighth Best Places to Work Award

Firm News | 02.10.2015

Attorney John Koneck Receives Hennepin County Bar Association's Pro Bono Publico Distinguished Service Award

Firm News | 09.12.2011

Fredrikson & Byron to Receive National Pro Bono Award for Death Row Defense Work

Publications & Presentations

Author and Speaker, Annual Real Estate Institute, Minnesota State Bar Association Continuing Legal Education (MCLE), 1995-2007, 2009-2018, 2020, 2022

Author, *Minnesota Real Estate Purchase and Sale Deskbook* (2015; updated 2022)

Author and Speaker, *Pre-Negotiation Letters - Borrower and Lender Strategies*, SBAND, February 2022

Author and Speaker, *Local Counsel Opinion Letters—From the Perspective of Local Counsel*, SBAND, February 2020

Author and Speaker, Annual Banking Law Institute, MCLE, 2016

Author and Speaker, *How to Avoid Running in Place in Workout Negotiations*, The 2012 Mortgage Foreclosure Conference, MCLE, June, 2012

Author and Speaker, *'I Thought the Property Was Sold!' Choosing Between Your Remedy Options*, Resolving Real Estate Disputes & Problems, MCLE, August, 2011

Author and Speaker, *Drafting Documents to Avoid Disputes: 10 Tips for Drafting Better Guarantees and Indemnity Agreements*, MCLE, June, 2011

Speaker, *What Lenders and Borrowers Look for in a Receivership; and a Preview of the Proposed New Receivership Statute*, Hennepin County Bar Association Real Property Section Lunch, October, 2010

Speaker, *State of the Deal—Workouts*, Minnesota Multi-Housing Association Prospective, June, 2010

Speaker, *Ethical Leadership in the Profession*, University of St. Thomas, Ethical Leadership in Corporate Practice: Counseling and Problem-Solving, October, 2009

Speaker, *Loans and Default: Workouts from a Borrower's Perspective*, Representing Builders and Developers in Troubled Times, MCLE, September, 2008

"Preparing for a Real Estate Workout: What Lenders and Borrowers Should Know in Today's Environment," *Minnesota Real Estate Journal*, September, 2008

"Preparing for a Workout: The Borrower's Side," Fredrikson & Byron Real Estate Conference: Troubled Real Estate Loans in a Down Market, April 30, 2008