

# Snell & Wilmer

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## **Benjamin J. Hawkins**

Associate | Tucson

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### **Main Bio**

Ben Hawkins is based in Snell & Wilmer's Tucson office. He focuses his practice in real estate, commercial finance and general business transactions. His real estate practice includes advising a broad range of clients throughout the United States in connection with mixed-use retail, residential and commercial ground and space leasing, joint ventures, real estate development, land purchase and sale transactions, master planned residential and commercial projects, title analysis and claims, water and mineral law and uses, land use, zoning and permitting, real estate financing and subdivision matters. Ben's real estate experience includes transactions involving raw land, commercial, industrial, hotel, retail and residential properties.

Ben also represents regional and national banking associations in commercial lending, finance and real estate transactions for refinance, development, long-term and construction loans.

In addition, Ben assists and advises a wide range of corporate and business clients, including start-ups and emerging businesses, on a variety of general corporate governance and business matters, such as mergers and acquisitions, entity formations and corporate governance issues and disputes, owner, member, partner and shareholder relations and disputes, and general contract negotiations.

### **Representative Experience**

#### **Real Estate**

- Represented real estate developers in connection with development and sale of large master planned residential communities in Arizona
- Represented numerous buyers and sellers in purchase and sale of residential and commercial properties throughout Arizona
- Represented large condominium developer in Phoenix in connection with general governance and development of additional condominium phases
- Represented developer in +\$100M sale and leaseback of student housing complex
- Represented master developer in connection with approximately \$45M sale of finished lots to multiple national and regional homebuilders
- Represented national homebuilder in connection with its development of CCRs and related homeowner association documents and policies for dozens of subdivisions
- Represented national homebuilder in connection with its acquisition of unfinished and finished lots from master developer using construction escrows and County bond financing for various on- and off-site improvements

- Represented numerous national and regional homebuilders and developers in connection with various complex regulatory, zoning and compliance matters
- Represented numerous corporate clients with respect to general due diligence matters in connection with various real estate transactions
- Represented local non-profit corporations on leasing issues and disputes with tenants/landlords involving COVID-19-related issues
- Represented for-profit and non-profit corporations in connection with fencing and adjacent land owner disputes involving adverse possession
- Represented airport authority in connection with leasing and subleasing of airport hangers and development of airport infrastructure
- Represented international mining corporations in connection with mining operations and access disputes over public land under Federal patents
- Represented developers of property under “Opportunity Zone” regime in Arizona in connection with the acquisition, development and financing of mixed-use commercial/retail/hotel building
- Represented large high-rise owner in connection with sale and development of adjacent property
- Represented owners and developers of commercial property in connection with re-zoning efforts and general zoning compliance
- Represented homeowners associations in connection with disputes and issues involving overpayment of assessments, use by the public of common area and adjacent land, and disputes with cities/towns/counties
- Represented pro bono individual in connection with housing dispute and ownership of residence
- Represented homeowners association in connection with conversion of public to private streets under Arizona law

### Commercial Finance

- Represented local, regional and national lending institutions on 150+ financing transactions in connection with the acquisition, development or refinancing of real estate and non-real estate assets totaling over \$2B
- Represented various lenders in connection with +\$100M finance and acquisitions of franchised fast food restaurants located across the United States
- Represented lending institutions on numerous real estate secured transactions involving hotel, commercial and residential, REITs, leasehold interests on public land, and subdivision and condominium regime collateral
- Represented institutional lenders on lending transactions involving mezzanine structures and other loans secured by non-real estate assets
- Represented and assisted lender as origination counsel and assisted with securitization and packaging of CMBS real estate loans with collateral located in 20+ states
- Represented national lenders in connection with secured lending on agricultural goods from Mexico covered under the Perishable Agricultural Commodities Act (PACA)
- Represented borrowers in connection with forbearances and negotiations with lenders involving nonpayment and underperforming commercial collateral

### Corporate/Business

- Represented local and national corporations, partnerships, LLCs and non-profit organizations with respect to complex regulatory and compliance matters
- Represented local and regional utility companies regarding utility easement negotiations
- Represented clients with respect to membership disputes, expulsion and buy-outs of members and related transactions
- Represented public and private corporations in connection with general corporate governance and employment and consulting agreements
- Represented emerging businesses and startups in connection with business formation, entity selection and general governance
- Represented local non-profit organizations in connection with membership voting and governance issues and disputes
- Represented limited liability companies in connection with conversion to for-profit corporations
- Represented large international mining client with respect to acquisition of U.S.-based mining technology company
- Represented international clients in connection with international management, consulting and purchase/sale agreements
- Represented agricultural and ranching clients in connection with stock conversion and certification
- Represented clients in the medical marijuana/hemp industries with respect to corporate governance, lending and finance issues, entity formation and conversion, and general corporate legal and contractual issues
- Represented partnerships in connection with partnership offerings

## **Education**

- University of Arizona, James E. Rogers College of Law (J.D.)
  - Distinguished Scholar
  - Samuel M. Fegtly Scholarship Recipient
  - Dean's List
  - Writing Fellow
  - CALI Award: Environmental Law
  - Outstanding Performance in Legal Writing
  - Best Oral Argument Award in Advanced Legal Writing
  - Note Editor, Arizona Journal of Environmental Law & Policy
- Brigham Young University (B.S., Environmental Science, Eco-Business and Soil Science Emphasis)

## **Languages**

- Spanish

## **Professional Memberships & Activities**

- State Bar of Arizona, Real Estate Section

## **Representative Presentations & Publications**

- "[Their Take: Arizona's Dated Subdivision Laws Are a Roadblock to Desirable Development](#)," Co-Author, Greater Phoenix InBusiness magazine (December 21, 2023)
- "[U.S. Supreme Court Reinforces Property Owners' Rights to Excess Sales Proceeds After the Sale of Seized Land](#)," Co-Author, Snell & Wilmer Legal Alert (May 26, 2023)
- "Business Basics: Building the Foundation for your New Business," Co-presenter, Snell & Wilmer Seminar (November 6, 2019)

## Professional Recognition & Awards

- Snell & Wilmer Pro Bono Award (2019, 2024)

## Community Involvement

- Mini Time Machine Museum of Miniatures, Board Member (2022-present)
- Snell & Wilmer Community Involvement Committee — Tucson
  - Co-Chair (2020-2021)
- J. Rueben Clark Law Society
  - Member and Past Student Chapter Chair (2014-2017)
- Boy Scouts of America, Volunteer Representative
  - Eagle Scout

## Previous Professional Experience

- Snell & Wilmer, Summer Associate (2016)
- Arizona Public Service/Pinnacle West Capital Corporation, Summer Law Clerk (2015)
- Brigham Young University
  - Head Research Assistant (2013-2014)
  - Teaching Assistant (2014)
- Klune Industries/Precision Castparts Corp., Continuous Improvement Engineer (2012)

## Bar Admissions

- Arizona

## Court Admissions

- Supreme Court of Arizona