

## John C. Livingston

### Partner

4208 Six Forks Road  
Suite 1400, Raleigh, NC USA 27609  
t 919.420.1768 | f 919.510.6143  
jlivingston@ktslaw.com



### Services

Business & Finance  
Contracts & Commercial  
Agreements  
Lease Disputes & Restructuring  
Real Estate Finance & Capital  
Markets  
Real Estate Investment &  
Development

### Industries

Energy  
Energy Investment  
Energy Procurement  
Project Development & Finance  
Real Estate Investment &  
Development

John Livingston is leader of the firm's Real Estate Investment and Development Team and a member of the firm's Energy Team. He devotes his practice to sustainable development, including mixed-use projects, LEED certified projects, and renewable energy transactions. John has experience representing lenders, buyers, sellers, developers, investors, owners, managers and others in all aspects of commercial real estate development, investment and leasing, and solar and biomass developers as well as commercial and industrial energy users.

John regularly receives accolades from among the most prestigious publications in the areas of Real Estate and Energy law, which often note John's subject matter proficiency, understanding of client needs, and attention to details that allow "his clients to rest majestically, confident in their day-to-day risky activities." Such accolades come at the local, state and national level, including notably:

- *Chambers USA: America's Leading Lawyers for Business* (Real Estate: 2023-2024; Energy & Natural Resources: 2021-2024);
- *The Best Lawyers in America*® (Real Estate: 2021-2025; Energy: 2023-2025);
- BTI Consulting's "Client Service All-Stars" (2020);
- *North Carolina Lawyers Weekly's* "Power List" for Real Estate Law (2022-2024);
- *Business Today's* "Top 10 Influential Energy & Natural Resources Lawyers in North Carolina" (2023);
- *Business North Carolina's* "Legal Elite" in the area of Real Estate Law (2013, 2015-2017, 2020-2024);
- *Super Lawyers* magazine "Rising Star" (2010, 2013-2020) and "Super Lawyer" (2021-2022, 2025) in the area of Real Estate Law.



John is also among the first attorneys in Raleigh to be designated a LEED Accredited Professional and a graduate of the 28th class of the Greater Raleigh Chamber of Commerce's Leadership Raleigh.

## **Experience**

Represent Stonecutter in recapitalization of large multi-family property including \$78M loan, buy-out of property manager, new joint venture investor, and new fund investment.

Represented seller in sale of Aventura Center, a 258,000 s.f. Class A corporate office center in Aventura, Florida, including negotiation forbearance with existing lender on \$110 million loan and assignment to seller.

Represented startup in leasing office space that involved complex bankruptcy issues of prior tenant and allowing the client to use the prior tenants upfit and furniture.

Represent multi-national telecommunications company in connection with REC Purchase Agreement for project RECs from mid-western windfarm following a defaulted virtual PPA.

Represented developer in purchase and development of 238 townhouse rent-to-own project as part of larger planned development, including construction of infrastructure, amenities, and townhouses.

Represented solar developer in development and sale of 484 MW utility-scale solar farms in PJM territory.

Represent electric vehicle maker in environmental and corporate diligence in connection with potential purchase of lithium mine.

Represented shopping center owner with digital and static sign lease for vibrant uptown shopping center.

Represented regional developer in the formation of a joint venture to purchase prominent shopping center in Charlotte's South End. Transaction included joint venture formation, exercise of ROFO, leasing agreement, cost sharing agreement, and property management agreement.

Developed ESG policies for regional mall developer and advised on implementation.

Represented Goldsboro Milling in exchange of active feed mill operations, including environmental, labor, and other issues.

Represented cryptocurrency mining facility in connection with hosting agreement and procurement of solar energy for operations.

Represented borrower in connection with \$140 million Freddie Mac financing secured by six multi-family



projects in Texas involving partial payoff of portfolio loan and restructuring of entities to comply with agency requirements.

Represented Hudson Capital Properties in over a billion dollar time-sensitive disposition of 15 multi-family properties in seven states in over 15 separate transactions with different purchasers. All transactions were completed within one calendar quarter. The dispositions included corporate structuring issues, capital gains tax issues, loan assumptions, loan defeasances, and 1031 exchanges, among other complicating factors.

Assisted a New York-based real estate management and investment company in purchasing over \$113 million in apartment projects across four Southern states. These transactions involved complex real estate, financing, and corporate issues, including title issues involving bankruptcy, acquisition financing consisting of both Freddie Mac and Fannie Mae guaranteed loans, and solicitation of investors through a crowd funding website.

Represented Goldsboro Milling Company in securing a \$170 million loan from multiple lenders secured by personal and real property in multiple states.

Represented national real estate company in disposition of portfolio of apartment complexes in South Carolina.

Representation of Stonecutter Capital in refinancing of seven-property multi-state portfolio of apartment complexes with over \$115 million in Freddie Mac guaranteed debt.

Represented national investor in acquisition and financing of \$30 million apartment complex in Charlotte, North Carolina.

Represented Hill Partners, Inc., a commercial real estate firm specializing in shopping center development, in connection with The Promenade at Coconut Creek, North Broward County's premier open air shopping and dining experience, featuring over 36 stores and boutiques, 14 restaurants, and Silverspot Cinema, a state-of-the-art 11 screen luxury theatre.

Represented national apartment owners in securing supplemental Freddie Mac financing for 304-unit apartment complex.

Represented developer, Hill Partners Inc., in the acquisition, financing, and leasing of Lifestyle Center located on 300 acres with mixed-use and freestanding properties in Columbia, South Carolina.

Represented developer in the acquisition, financing, and leasing of 540,000 square foot Lifestyle Center with mixed-use and freestanding properties in Clemmons, North Carolina.

Assisted real estate developer in the acquisition of a site in downtown Raleigh that will one day be home to an



urban mixed-use public-private partnership project with retail, office, and residential space on top of a 550 space underground parking deck.

Serve as leasing counsel to regional developer and investor with over 1,500,000 square feet of office and flex space.

Represent open-source software company in a variety of real estate matters, including headquarters and office leasing and subleasing across the United States and internationally.

Assisted client with all aspects of developing and financing a 20 MW solar facility in northeastern North Carolina, including joint venture agreement with financing partner, power purchase agreement, construction financing, EPC contract, and sale of facility.

Represented Access Medical Development, nationally recognized medical real estate developer, in condominiumization and sale of mixed-used development in midtown Raleigh with over 80,000 square feet of office space and over 45,000 square feet of retail space.

Represented national professional trade association with real estate matters nationally and in select international locations.

Represented early stage developer in development and sale of 20.8 MW and 26 MW solar facility.

Represented a major proprietary computer storage and data management company headquartered in Sunnyvale, California, in condominiumization and financing related to \$61 million data center.

Represented Guggenheim Real Estate, LLC, a real estate investment firm and a subsidiary of Guggenheim Partners, in connection with Specialty Shops at Southpark, a 65,000 square foot retail center in North Carolina.

Represented Kane Realty as a joint venture partner involved in the development and construction of a continuing care retirement community (CCRC) known as The Cardinal at North Hills, including complex financing issues, and provided guidance on obtaining regulatory approvals from the North Carolina Department of Insurance.

Represented solar developer in leasing space from the City of Raleigh on its convention center roof for the installation of solar PV electric panels.

Have represented a number of commercial and industrial clients in the development of renewable energy projects or the purchase of renewable energy from third-party providers.

Assisted a North Carolina-based real estate firm in connection with its acquisition, disposition, and leasing of



multiple Triangle area projects, including medical office buildings, office parks, and flex/warehouse projects.

Have negotiated dozens of PPA and REC agreements on behalf of renewable energy project developers for projects totaling more than 300 MW of capacity.

Represented early stage developer in development and sale of 75 MW solar facility.

Represented lender in structuring of unique rooftop solar transactions.

Developed construction loan documents and program for lenders use in making loans to utility scale solar facilities.

Represented national real estate company in acquisition and financing of \$20 million apartment complex in Atlanta, Georgia.

Represented national real estate company in acquisition of \$47 million apartment complex in Cary, North Carolina.

Represented publicly traded technology company in their expansion of headquarters on North Carolina State Universitys Centennial Campus.

Representation of Stonecutter Capital in purchase of two apartment portfolio purchase with \$45 million purchase price in Greenville, South Carolina, including annexation and acquisition financing.

Representation of Stonecutter Capital in sale of apartment complex in Columbia, South Carolina for \$22 million.

Represented seller of iconic Krog Street Market and Atlanta Stove Works urban, mixed-use development for more than \$45 million.

Represented seller of a \$40 million multi-family complex in a sale that involved 1031 exchanges for both buyer and seller and a defeasance of the existing loan on the property. Prior representations for the owner of the site included a buyout of a joint venture partners interests and supplemental financing.

Represented Hudson Capital Properties, a national, multi-family real estate company, in its \$43,000,000 sale of the Preserve at Dunwoody, an apartment complex in Atlanta, Georgia. The deal closed on January 30, 2019.

Represented Hudson Capital Properties, a national, multi-family real estate company, in its \$56,000,000 refinance of Hudson Ridge, an apartment complex in Atlanta, Georgia. The deal closed on February 1, 2019.

Represent developer of large scale solar and storage projects in Kentucky, North Carolina, Ohio, and Virginia in



all aspects of site control, development, financing, and project sales.

Represented seller of portfolio of 16 solar projects in North Carolina and Virginia that included complications related to differing stages of development and tax-equity positions.

Represented Goldsboro Milling Company in sale of over \$100 million of personal and real property in multiple states used for operation of hog farm.

Served as lead counsel in the sale of interests in a portfolio of twenty solar projects in North Carolina and Virginia to international purchaser.

Represented solar developer on first project under Duke Energys Green Source Advantage in North Carolina.

Represent early stage developer in obtaining \$95 million private equity financing for expansion of business and development of projects in three tranches for new projects, existing projects, and completion of interconnection.

## **Education**

University of North Carolina School of Law J.D. (2006) *Order of the Coif, high honors*

University of Florida B.S. (2003) Civil Engineering, *cum laude*

## **Admissions**

North Carolina (2006)

## **Professional & Community Activities**

*Law360*, Real Estate Editorial Advisory Board (2025)

North Carolina Bar Association, Real Property Section, Legislative Committee, Member (Former)

North Carolina Bar Association, Future of Law Committee, Member (2020-2021)

Center for Energy Education, Board of Directors, Member

National Association of Industrial and Office Properties (NAIOP) - Research Triangle Chapter, Developing Leaders Board of Directors, President; Board of Directors, Member (Former)

Urban Land Institute (ULI), Young Leader, Roundtable Committee (Former), Rethinking Southern Cities Council, Member

North Carolina Sustainable Energy Association, Member

## **Insights**

### [Alert](#)

DOGE Issues Directive Regarding GSA Leases



February 7, 2025

### [News Releases](#)

Once Again, John Livingston Named to North Carolina Lawyers Weekly's 2024 Real Estate Power List

January 2, 2025

### [Perspectives](#)

5 Key Takeaways | An In-House Counsels Guide to Corporate Energy Procurement and Pathways to Meet Sustainability Goals

September 18, 2024

### [Events](#)

In-House Counsel Summit

September 12, 2024

### [News Releases](#)

Kilpatrick Breaks Record for Number of Attorneys Recognized in 2025 Edition of The Best Lawyers in America®

August 16, 2024