



ROBERT SMITH

PARTNER

WICHITA OFFICE
1551 N. Waterfront Parkway, Suite 100
Wichita, KS 67206-4466

T: 316.291.9779

rsmith@foulston.com

PROFILE

F. Robert Smith provides skilled legal counsel on complex real estate and business transactions, entity formations, and day-to-day client operational issues. His clients include property owners, developers/managers, landlords, tenants, hospitality companies, agricultural entities, joint ventures, retailers, and manufacturers. Robert, a descendent of California's Pechanga Band of Luiseño Indians, clerked with California Indian Legal Services and the U.S. Department of Justice's Office of Tribal Justice. He leads Foulston's Native American Law practice group.

Real estate law is a significant aspect of Robert's practice. He regularly closes property sales and purchases; structures commercial leasing arrangements; performs due diligence; negotiates easement agreements; successfully works through title and zoning issues; and resolves landlord/tenant disputes as well as conflicts between neighboring landowners. Robert is well-versed on the Oklahoma and Kansas corporate farming laws, including the Corporate Farming Act, and enjoys helping clients navigate the unique ownership and leasing issues involved with agricultural properties.

In addition to his real estate practice, Robert's broader business transactional practice experience includes working with partnerships, LLCs, public and private companies, and small businesses to complete strategic mergers and acquisitions. He also frequently advises on e-commerce and software licensing arrangements, reviews and drafts contracts, guides clients on business entity formation and financing, and resolves operational issues.

Robert's law partners and clients value the balance of thoroughness and practicality that he brings to each project and praise him for delivering "constant assistance they can count on" and "sound decisions and answers they can trust." He credits his diligence and detail-oriented approach to his work as a microbiology researcher prior to pursuing his legal career.

Education

- University of Oklahoma College of Law (J.D., 2007)
Native American Law Certificate; with Honors, Writing Competition Editor - *American Indian Law Review*; Native American Law Student Association; Vice President, Intellectual Property Society
- Oklahoma State University (B.S. in Microbiology, 1997)

FOULSTON

ATTORNEYS AT LAW

Admissions

- Kansas (2007)
- Oklahoma (2014)
- U.S. District Court for the District of Kansas (2007)

PRACTICE AREAS

- Real Estate
- Business & Corporate Law
- Mergers & Acquisitions
- Renewable Energy, Electric Storage & Transmission
- Energy
- Native American Law
- Intellectual Property
- E-Commerce

INDUSTRIES

- Real Estate
- Hospitality & Retail
- Agribusiness
- Energy & Natural Resources

RELEVANT EXPERIENCE

Real Estate Development

- Represents a national, privately held company in its acquisition and liquidation of real estate holdings in Wichita.
- Assisted the Wichita State Innovation Alliance with the development of a 120-acre, mixed-use property that is poised to double the size of Wichita State University's campus while positioning it on the cutting edge of "applied learning" for its ability to deliver comprehensive educational and life experiences to students.
- Assisted a developer with franchise, management, and occupancy agreements; acquired sites throughout the U.S.; paving the way for site construction and operations; and supporting the brand's expansion and franchising.
- Member of firm's team representing short-term residential property developer. Real estate work included handling all aspects of new site negotiation, diligence and entitlement to acquire, construct and operate or franchise sites throughout the United States.

FOULSTON

ATTORNEYS AT LAW

- Member of firm's team representing major casino company. Assisted with a range of site acquisition, development and permitting issues, including laws and use concerns unique to a casino operation, for a \$260 million, 275-acre development.
- Member of firm's team representing land seller of largest and still-expanding commercial development corridor in Western Kansas, including big-box retailers and hotel sites. Representation included involvement in development, tax, government incentives, platting, zoning, utilities, easement and restrictive covenant issues.
- Member of firm's real estate team representing a joint venture party of wind energy project. The real estate portion of the representation included performing land title and mineral interests/issues diligence, permitting/entitlement diligence, and assisting with other real estate issues.

Leasing / Landlord / Tenants

- Member of firm's team representing landlord of office center with national and regional tenants, negotiating tenant leasing documents and related documents and issues.
- Member of firm's team representing client with multi-state locations. Negotiated leases for tenant space in 6 states and assisted client with the purchase of an office building.
- Assisted landlords and tenants to negotiate leases, lease amendments, subleases, assignment of leases and related documents and issues, for residential, commercial, industrial, and agricultural properties.

Mergers and Acquisitions

- Representation of purchaser in the successful purchase of the assets of a large fish farm. Negotiated terms of the asset purchase agreement to address the transfer of equipment, inventory (fish), real estate, and water rights. Assisted with real estate diligence and closing items.
- Representation of seller in successful sale of a convenience store. Negotiated terms of the asset purchase agreement to address the transfer of equipment, inventory, real estate, and mineral rights. Assisted with real estate diligence and closing issues.
- Member of firm's transaction team representing an equipment dealer's two separate successful acquisitions of large franchise equipment dealer's operations and territory. The real estate portion of the transactions included 16 new operations sites, real estate diligence, related financing and third-party agreements for each, and negotiation of the real estate-related portions of the acquisition agreements.
- Member of firm's transaction team that successfully represented the seller of a 20-hotel portfolio of assets located in multiple states. The real estate portion of the transaction included responding to real estate diligence inquiries and issues, and obtaining lessor, owners associations, governmental and other third-party required consents.
- Representation of seller in successful sale of a more than 100-year-old family business. Negotiated terms of asset purchase agreement to address the transfer of substantial tangible and intangible assets (including trade name, trade secrets, and goodwill). Assisted with diligence and closing items.

Business & Transactions

- Member of firm's team representing large supply and trading company. Assisted client by negotiating software licenses with various U.S. and international vendors.
- Member of firm's team representing health care company. Assisted client with real estate transactions, negotiating contract and license terms with various equipment, software, and service vendors.

FOULSTON

ATTORNEYS AT LAW

- Assisted national client with drafting the terms and conditions and privacy policy for their website. Assisted client with reviewing compliance with internet advertising laws specific to their industry. Assisted client with researching the viability of implementing the use of electronic signatures for consumer contracts.
- Assisted client with developing a consumer contract, which has now been successfully used hundreds of times, for the provision of video editing services.
- Assisted several software developers with their end user licensing agreements for propriety software.
- Assisted clients with forming, funding, and solving operational issues with partnerships, limited liability companies, corporations, and other small businesses.

Legal Extern, Office of Tribal Justice 2006 Law Clerk, California Indian Legal Services, 2006

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Selected by peers for inclusion in *The Best Lawyers in America*® in the area of Real Estate Law, 2021-2024
- Identified by Chambers USA as a recognized practitioner in the United States in the area of Real Estate, 2017; and a leading lawyer in the area of Real Estate, 2022-2024
- American Bar Association
- Kansas Bar Association - Corporation, Banking, and Business Law; Indian Law; Intellectual Property Law, and Real Estate, Probate and Trust Law Sections; Standards for Title Examinations Committee, Member (2016 - present)
- Oklahoma Bar Association
- Wichita Bar Association Business Law Committee - Member (2010 - present); Real Estate Committee – Member (2012 - present)
- Kansas Title Standards Committee Member
- Hispanics in RE, Inc. (HIRE), Member

PRESENTATIONS

2013

- Issues Commonly Encountered When Reviewing or Drafting Deeds (Kansas Association of Legal Assistants)

2012

- Kansas Corporate Farming Statutes and Limits on Ownership (Wichita Bar Association)

PUBLICATIONS

1999

FOULSTON

ATTORNEYS AT LAW

- “Identification and grouping of Dichelobacter nodosus using PCR and sequence analysis”
-Molecular and Cellular Probes - 13:61-65

ISSUE ALERTS

2020

- Coronavirus: Dealing with a Positive COVID-19 Test – Guidance for Commercial Landlords and Property Managers
- Coronavirus: UPDATE on Guidance Regarding Commercial and Residential Evictions and Foreclosures
- Coronavirus: Guidance Regarding Commercial and Residential Evictions through May 1, 2020

COMMUNITY INVOLVEMENT

- Heartspring, Inc., Former Board of Trustees Member