



WILSON CRIBBS + GOREN
REAL ESTATE LAW

Land Use for The Lender: Due Diligence and Problem Solving

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Entitlements

Public

- Platting
- Zoning
- Traffic/Parking
- Signage
- Landscape/Trees
- Setbacks
- Grandfathering/Vested rights
- Development Agmts.

Private

- Restrictive Covenants
- Easements
- Condo
- Master Planned Communities



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Assumption

Collateral may be used for desired

- Use
- Structure
- Density



Importance of Entitlements



"They strung me along... and strung me along... and strung me along. Why didn't they just tell me NO in the first place?"

Due Diligence Focus



- 1) Status quo
- 2) Confirm assumed use, structures, density
- 3) Problems
- 4) Solutions



Full Entitlement Now

Otherwise – “**ENTITLEMENT RISK**”

Due Diligence Tips/Warnings



Platting-

- Muni. Certification
- No Title Ins.

Zoning-

- Zoning Letters Unreliable
- No Title Ins.
- Check Comp. Plan

Dev. Agmt.-

- Estoppel Letters Unreliable

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Title search: Land Use Law in the Loan Process: Due Diligence and Problem Solving

Also available as part of the eCourse

[2017 William W. Gibson, Jr. Mortgage Lending eConference](#)

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51st Annual William W. Gibson, Jr. Mortgage Lending Institute session
"Land Use Law in the Loan Process: Issue Spotting and Resolution"