

# Henry S. Wulf

SHAREHOLDER

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## Overview

Henry Wulf, a trial lawyer, focuses on business litigation with an emphasis on issues concerning the ownership and use of commercial real estate in Florida, including foreclosures, landlord-tenant disputes, eminent domain, easement disputes, and development rights. Henry also handles commercial litigation related to contract disputes, the enforcement of use restriction or restrictive covenants, indemnity claims, construction, and related bankruptcy matters. His clients include *Fortune* 500 companies.

Prior to joining Carlton Fields, Henry owned and managed a family business that rented properties in South Florida. As a result, he gained firsthand knowledge of the business problems that challenge his current clients. In most litigation matters, his primary goal is to help clients map out and execute an efficient and cost-effective strategic plan.

Henry also helped lead the firm's efforts to integrate its legal services with the overall management of clients' rental properties in landlord-tenant matters. This approach ensures efficiency and prompt responses to time-sensitive legal issues, eliminating delays when acting against delinquent tenants, and maximizing cost savings. By developing comprehensive strategic plans for our clients' developments and establishing direct communications with the property managers located at the rental properties, we have achieved lower overall default rates among tenants and minimized the time that units are not marketable due to nonpaying tenants that remain in possession.

# Experience

## Telecommunications

- Represented nationwide cellular provider concerning landlord's contentions of damage to building roof and other improvements as well as scope of cellular provider's premises under written lease.
- Represented nationwide cellular provider concerning local government efforts to increase barriers to entry and restrict opportunities to add new cellular sites.
- Represented nationwide cellular provider concerning dispute with landlord involving alleged adverse environmental impacts to landlord's property and boundary of utility easement.
- Represented nationwide cellular provider concerning dispute with property owner involving provider's reasonable access to utilities and property owner's actions of self-help, which amounted to extortion.
- Represented nationwide cellular provider concerning lease extension/modification negotiations with school board.
- Represented nationwide cellular provider concerning condemnation of cellular tower, negotiating nonmonetary accommodations to proposed taking, and amount of appropriate compensation to cellular provider.
- Represented nationwide cellular provider concerning efforts to oppose restricting placement of cell site and otherwise lobby for modifications to existing ordinances concerning cellular tower permitting.

## Landlord-Tenant

- Represented national and regional commercial property owners in litigation matters, including lease enforcement, defending against tenant litigation, exclusive use issues, environmental issues, insurance-related matters, and bankruptcy-related litigation.
- Integrated national and regional commercial property owners' property management practices with the firm's legal services to ensure timely exchange of information, identify legal issues before they become critical, address delinquent tenant issues as timely and forcefully as possible, and otherwise support the clients' strategic goals. Specific related efforts included establishing clear policy with clients on tenant defaults and involvement of legal counsel, creating lease form database accessible to both property managers and legal counsel, integrating lease collection activities (i.e., property manager prepares tenant invoices, legal counsel forwards invoices with legal demand notice to tenants), and creating forms for property managers' use in resolving situations before legal counsel is involved (i.e., abandonment confirmation, releases, certain default notices, etc.).

- Represented nationwide retail chain concerning lease enforcement efforts against landlords, including enforcing exclusive use rights, disputing common area maintenance charges, determining liquidated damages resulting from failure to timely provide lease premises to tenant, enforcing self-insurance provisions, and otherwise resolving disputes concerning lease interpretation.
- Represented landlord of marina concerning monetary and nonmonetary disputes under written lease including environmental issues.
- Represented landlords and tenants concerning allegations of air quality/mold issues in lease premises.
- Represented national retail chain in dispute with subtenant concerning exercise of self-help, which was preventing construction of retail store.
- Represented nationwide retail chain concerning landlords' efforts to fabricate default in effort to cancel valuable long-term lease rights.

### **Real Property Litigation**

- Represented nationwide commercial property owners in efforts to enforce restrictive covenants against regional developer that was developing adjoining parcel.
- Represented commercial condominium unit owner as to rights and obligations under condominium documents and adverse action by board of association.
- Represented developer against local governments' efforts to prohibit development of multiacre parcel.
- Represented purchaser of multiacre parcel concerning sale and lease-back transaction in which seller sought to have transaction recharacterized as a loan.
- Represented title insurance companies concerning enforcing foreclosure redemption rights, resolving defective title contentions, resolving MRTA issues under Florida law, and otherwise defending title policy claims.
- Represented property owners and developers concerning alleged environmental or conservation violations.
- Represented multiple property owners concerning encroachment, easement, and other use issues involving adjoining property owners.
- Represented numerous financial institutions enforcing rights under loans secured by real and personal property, including many loans exceeding \$20 million in value.

### **Bankruptcy and Creditors' Rights**

- Represented landlords concerning tenants' bankruptcy filings, including seeking dismissal of bankruptcy filings on bad faith basis, seeking stay relief to complete eviction, requiring payment of administrative rent, and related landlord-related issues in bankruptcy.

## Eminent Domain

- Represented commercial property owners prior to initiation of eminent domain proceedings to prepare appropriate strategy to maximize valuation of property taken, to avoid actions that would negatively affect client's constitutional rights, and facilitate communications with tenants that may suffer negative impacts from anticipated taking.
- Represented several developers in condemnation proceedings, including opposing reasonableness of taking, opposing scope of taking, determining fair market value of interests taken, and related proceedings.
- Represented major developer concerning proposed taking of 70-plus acre parcel and established that fair market value on date of taking was more than 25 times greater than the value proposed by the condemnor.
- Represented quasi-governmental agency in efforts to obtain, via eminent domain, sufficient real property to double track existing railroad line from Fort Lauderdale to West Palm Beach.
- Represented property owners in raising inverse condemnation claims, including Bert Harris claim, pursuant to Florida Statutes.

## Areas of Focus

### Practices

- Real Property Litigation
- Aviation
- Business Transactions
- Creditors' Rights and Bankruptcy
- Development
- Eminent Domain
- Hospitality
- Litigation and Trials
- Real Estate
- Telecommunications
- Title Insurance

### Industries

- Real Estate
- Telecommunications

## Insights

01.12.2021

Retail Tenants – COVID-19 Implications for the Landlord/Tenant Relationship

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05.20.2020

Inverse Condemnation and Government Pandemic Response

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03.21.2020

Can Governments Commandeer Your Property During COVID-19? California Says Yes

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09.29.2019

Climate Change Ate My Property

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12.01.2009

FCC Issues Order to Help Speed Approval of Wireless Telecommunication Towers by Local Governments

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06.01.1998

Your Time Is My Time: Discovery of an Opposing Party's Attorney Time Records

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## Recognition

- AV Rated by Martindale-Hubbell
- Head Coach of the Philip C. Jessup International Law Moot Court Competition team, which placed second in the national competition and sixth internationally.
- Legal Aid Society of Palm Beach County's Real Property Pro Bono Award (1998)

## Professional & Community Involvement

- International Council of Shopping Centers
  - Member and Law Conference Moderator
- American Bar Association
- The Florida Bar

- Palm Beach County Bar Association
  - Circuit Civil Practice Committee
  - Judicial Relations Committee
- U.S. Navy Reserve (Ret.)

## Speaking Engagements

- "Coastal Issues and Shoreline Management," The Seminar Group, Miami, FL (May 7–8, 2020)

## Credentials

### Education

- Emory University School of Law (J.D., 1995)
- New College of Florida (B.A., 1991)

### Court Admissions

- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

### Bar Admissions

- Florida
- Georgia