



*Partner*

## Robert E. McPeak

[rmcpeak@mcdonaldcarano.com](mailto:rmcpeak@mcdonaldcarano.com)

Office: 702.873.4100 | Direct: 702.257.4534

### Areas of Practice

Real Estate & Land Use  
 Energy, Environment &  
 Natural Resources Law  
 Construction Law & Litigation  
 Business Entities &  
 Transactions

### Bar Admissions

Nevada

### Court Admissions

U.S. District Court, District of  
 Nevada  
 U.S. Bankruptcy Court,  
 District of Nevada  
 U.S. Court of Appeals, Ninth  
 Circuit

### Education

J.D., Boston University School  
 of Law, cum laude, 2003  
 (Concentration in Business  
 Organizations and Finance  
 Law with Honors)  
 A.B., with distinction,  
 University of Michigan, 2000

### Professional Background

Robert E. McPeak practices primarily in commercial real estate, project finance, and business transactions. Mr. McPeak's expertise is recognized in Chambers USA, *The Best Lawyers in America*<sup>®</sup> and *Mountain States Super Lawyers*. He has also received the AV Preeminent<sup>®</sup> Peer Review Rating<sup>™</sup> (the highest rating available) from Martindale-Hubbell. Mr. McPeak co-chairs McDonald Carano's Energy, Environment & Natural Resources Law Practice.

*"He is intelligent, thorough and ensures our interests are protected." "He has both knowledge and vast experience across the state, is very responsive and takes things very seriously." "He has knowledge beyond his years, particularly on development projects, and is highly regarded."*

– Ranked "Up and Coming" in Real Estate Law, *Chambers 2020, 2021*

Mr. McPeak's broad-based real estate practice encompasses every phase of property acquisition, financing, development, management, leasing, and sales. His experience extends across all commercial property types, including core retail, office, industrial, multifamily, planned communities, condominiums, mixed-use developments, casinos, hotels, and time-share projects. Mr. McPeak is also experienced with real property tax appeals.

Mr. McPeak represents:

- Local, regional and national developers in connection with construction and development agreements and other project documents, including CC&Rs, reciprocal easement agreements, shared-entry arrangements, and joint venture agreements;
- Buyers and sellers in the negotiation and closing commercial real estate transactions (including options and rights of first refusal/ rights of first offer);
- Landlords and tenants in the negotiation and preparation of retail, office, industrial, and ground leases, with tenant-improvement matters, and in the resolution of lease disputes;
- Borrowers, guarantors and lenders in commercial real estate loan transactions, including loan origination and documentation, financing opinion letters, note acquisitions, workouts, receiverships and foreclosures;
- Real estate brokers, property managers and receivers.

Mr. McPeak advises Nevada corporations, limited liability companies and partnerships and their shareholders, members, managers, and partners on matters of entity formation, governance and ongoing operations, including commercial credit and equipment finance.

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Mr. McPeak regularly represents developers and tax equity investors in connection with project development, permitting and finance of renewable energy projects throughout Nevada.

Mr. McPeak negotiates and drafts construction contracts on behalf of owner-developers and contractors, as well as landlords and tenants in connection with tenant build-outs and improvements. He has experience with custom documents, AIA documents, and ConsensusDocs.

### Renewable Energy and Project Finance

- Nevada counsel for the developer in connection with the debt and tax equity financing of a 690 MW solar photovoltaic generating facility and 380 MW battery energy storage located in Clark County, Nevada, the largest single project of its kind to begin construction in the U.S.
- Nevada counsel for the tax equity investor in connection with the successful closing of its investment in a 300 MW solar photovoltaic generating facility located on tribal land in Clark County, Nevada
- Nevada counsel for the tax equity investor in connection with the successful closing of its investment in a 180 MW solar photovoltaic generating facility located in Boulder City, Nevada
- Nevada counsel for the tax equity investor in connection with the successful closing of its investment in a 37.1 MW geothermal plant located in Washoe County, Nevada
- Nevada counsel for the developer in connection with project financing of a 152 MW wind power project located in White Pine County, Nevada
- Nevada counsel for the tax equity investor in connection with the successful closing of its investment in a 101 MW solar photovoltaic generating facility and 100 MW battery energy storage located in Humboldt County, Nevada
- Nevada counsel for the tax equity investor in connection with the successful closing of its investment in a 250 MW solar photovoltaic generating facility located in Boulder City, Nevada
- Nevada financing counsel for the developer in connection with the successful construction financing of a 100 MW solar photovoltaic generating facility located in Clark County, Nevada
- Nevada counsel for the tax equity investor in connection with the successful closing of its investment in a 250 MW solar photovoltaic generating facility located in Clark County, Nevada
- Nevada counsel for the tax equity investor in connection with the successful closing of its investment in a 179 MW solar photovoltaic generating facility located on tribal land in Clark County, Nevada
- Nevada counsel for the developer in connection with a tax equity investment in a 20 MW solar photovoltaic generating facility located in Churchill County, Nevada
- Nevada counsel for the tax equity investor in connection with the successful closing of its investment in a 24 MW geothermal plant located in Churchill County, Nevada
- Represented the developer in connection with development and construction permitting of a 14 MW solar photovoltaic generating facility located in Henderson, Nevada
- Represented the developer, as local counsel, in connection with the financing

#### Offices

##### LAS VEGAS

2300 West Sahara Avenue, Suite 1200  
Las Vegas, NV 89102  
P: 702.873.4100 F: 702.873.9966

##### RENO

100 West Liberty Street, Tenth Floor  
Reno, NV 89501  
P: 775.788.2000 F: 775.788.2020

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of a 70 MW solar PV generation project, the financing of a 20 MW utility-scale solar power project, and the financing of and title issues with 5 MW solar project

### Commercial Real Estate and Finance

- Represented a Las Vegas-based industrial developer in connection with site acquisition, development, leasing and disposition of multiple industrial and logistics-focused projects in Henderson, Las Vegas and North Las Vegas, Nevada
- Represented the buyer in connection with the acquisition and financing of multiple Class A office buildings in Las Vegas, Nevada
- Represented a buyer in the \$46 million acquisition of two single-tenant NNN-leased outpatient medical facilities in Clark County, Nevada and the assumption of the existing CMBS loan
- Represented an investment management firm in the acquisition, financing and disposition of multiple unit value-add apartment complexes in Las Vegas, Nevada
- Represented a global investment manager in nationwide leasing matters for a start-up healthcare portfolio company, including the negotiation of master construction and architectural contracts
- Represented a major telecommunications company in the lease of a 104,000 square-foot facility in Las Vegas, Nevada
- Represented borrowers, guarantors and lenders in commercial real estate loan transactions, including the borrowers in the acquisition of the underlying real property collateral
- Represented borrowers, guarantors, note-buyers, lenders, and loan servicers in workout and enforcement matters, including receivership sales, REO management, and disposition engagements involving over \$3 billion of distressed commercial real estate loans in Arizona, California, and Nevada
- Represented a syndicate of senior secured lenders in the workout and restructuring of a \$470 million construction loan secured by a mixed-use retail and office center in Las Vegas Nevada
- Represented the seller in the \$27 million disposition of a 325-unit apartment complex in Reno, Nevada

### Homebuilding Industry

- Represented a national homebuilder with the formation of common-interest communities and the negotiation of development agreements, shared-entry agreements, public offering statements and other sales-related disclosures in southern and northern Nevada
- Represented a national homebuilder in connection with state and local regulatory matters relating to its acquisition of another homebuilder
- Represented a national homebuilder in the restructuring of its Nevada holdings
- Represented a national developer of a master-planned community in various homebuilder bankruptcies and defaults under development and profit participation obligations

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## Speaking Engagements

- Moderator, *Shopping Center Business and Western Real Estate Business* magazines webinar, “Las Vegas Retail Outlook: How is the Las Vegas Retail Sector responding to COVID-19,” September 3, 2022
- Moderator, NAIOP Workshop, “Building Bricks with Blockchain: The Latest in CRE and Technology,” October 12, 2018
- Presenter, “Avoiding the Industry’s Top Legal Pitfalls,” ICSC ReCon, Las Vegas, Nevada, May 21, 2017
- Presenter, “Inception to Courtroom: Legal Issues Facing Development Projects,” NAIOP Southern Nevada, Las Vegas, Nevada, November 3, 2016
- Presenter, “Landlord-Tenant Law from Start to Finish,” Sterling Educational Services, Las Vegas, Nevada, March 23, 2016
- Presenter of continuing legal education seminars covering commercial real estate transactions, title insurance matters, and distressed loans and portfolio management



## Awards and Recognition

- *Chambers USA Guide* “Up and Coming” – Real Estate Law (2020, 2021)
- *The Best Lawyers in America*® – Construction Law, Construction Litigation, Real Estate Law (2021, 2022)
- *Super Lawyers* Mountain States “Rising Star” – Real Estate, Land Use and Zoning, Business/Corporate (2012-2017)
- *Desert Companion’s* Southern Nevada’s Top Lawyers
- *Martindale- Hubbell AV*® Preeminent™ Peer Review Rated



## Professional Affiliations

- Member, Foundation for Natural Resources and Energy Law
- Member, State Bar of Nevada, Real Property Law Section
- Member, NAIOP (Commercial Real Estate Development Association), Southern Nevada Chapter; Government Affairs and Education Committees, and Developing Leaders Institute Class of 2013-14



## Community Engagement

- General Counsel, Legal Aid Center of Southern Nevada
- Obtained 501(c)(3) status, as pro bono counsel, for the Las Vegas Victims’ Fund, which was formed to oversee the consolidation and distribution of funds contributed in response to the October 1, 2017, shootings at the site of the Route 91 music festival in Las Vegas, Nevada
- United Way of Southern Nevada

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