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# DAILY REPORT

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► DEAL WATCH



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Alston partner Allison Ryan is the lead counsel on the mixed-use development. The firm has as many as 40 lawyers working on the project.

## Meltdown doesn't freeze Midtown project

12TH & MIDTOWN IS right on schedule, Alston partner says, thanks to location, location, location

BY ANDY PETERS

UNLIKE THE Streets of Buckhead project a few miles north on Peachtree, the 12th & Midtown development is on schedule. Developed by a joint venture between Daniel Corp. and Selig Enterprises Inc., 12th & Midtown will include condos, office

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## Meltdown doesn't freeze 12th & Midtown development

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space, a luxury hotel and retail space.

Legal advice on the multibillion-dollar development has been handled by as many as 40 **Alston & Bird** attorneys over the past several years, said partner Allison M. Ryan, who is leading the project for the firm. The development has pulled in lawyers from multiple practice groups, including real estate, environmental and tax.

While no U.S. real estate project has been immune from the economic downturn, 12th & Midtown is on schedule, Ryan said.

"It's impossible to say that anything has escaped the economic slowdown, but we've been fortunate," she said. "We're not suffering the same extreme slowdown that other projects are."

The first phase of 12th & Midtown, the 1010 Midtown condo and retail tower, is partially open. The second phase, the 1075 Peachtree office-hotel-retail-condo tower, is scheduled to open next year. **Loews Hotels** is signed up to develop a luxury hotel on the site, its first property in Atlanta.

The Streets of Buckhead, a **Ben Carter Properties LLC** development, hasn't been so lucky. The lead contractor on the 9-acre mixed-use project this month laid off some workers. Ben Carter Properties also has scaled back some of its plans for the project. **Sutherland** partner Alfred G. Adams Jr. is primary legal counsel to Ben Carter Properties on the Streets of Buckhead.

The 12th & Midtown development is

benefiting from its location, Ryan said. Straddling Peachtree Street and sprawled across four blocks, 12th & Midtown is situated just north of the Federal Reserve Bank building and south of the Colony Square office towers. It's within walking distance of the MARTA Midtown train station and Piedmont Park. It's easily accessible to the Downtown Connector.

The 1075 Peachtree building already has attracted two tenants, the Atlanta office of **Seyfarth Shaw** and **The Boston Consulting Group Inc.**, both of which have already signed lease agreements.

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—Allison M. Ryan,  
Alston & Bird partner

Alston has represented Birmingham, Ala.-based Daniel for more than a decade, Ryan said. Alston advised Daniel on the formation of the joint venture with Selig Enterprises, and now the firm is advising the joint venture. Legal work is ongoing on the project, she said.

Because multiple parties were involved at various stages of the 12th & Midtown development, lawyers from all over town and across the country have played a role in the project.

**Canyon-Johnson Urban Funds** and

**MetLife Insurance** are equity partners with Daniel and Selig on the project. **Sidley Austin** partner Sarah V.J. Spysma in Los Angeles advised Canyon-Johnson, according to Fulton County records.

**Citicorp**, which provided a \$124 million credit facility for the 1010 Midtown building, was advised by **Holland & Knight** partners C. Edward Kuntz and Robert G. McCauley. Kuntz has since left the firm. **Katten Muchin Rosenman** advised the primary lender on 1075 Peachtree, **Hypo Real Estate Holding AG** of Munich, Germany.

**Troutman Sanders** partner A. Michelle Willis advised **Bank of America** on its sale of a portion of the land used for 1010 Midtown, and on its subsequent acquisition of a master condo unit in the 1010 building in which it will locate a new branch.

**Kilpatrick Stockton** partner Stuart M. Neiman advised the family of Michael C. Carlos on its sale of a portion of the property used for the 1010 building.

**Weissman, Nowack, Curry & Wilco** partner Jane C. Kotake provided counsel on the master condominium documents, and **Hyatt & Stubblefield** partner David A. Herrigel handled the residential condominium documents.

**Burr & Forman** partner Patrick J. Clarke said that he advised Daniel on financing aspects of the development.

**American Software Inc.** and **Logility Inc.** are tight and are looking to get even tighter.

American Software is one of the oldest technology companies in Atlanta, founded in 1970 by James Edenfield and Thomas

Newberry. Logility was founded by Edenfield and Newberry in 1996 and is headed up by Edenfield's son, Michael.

Both American Software and Logility are involved in the business of supply chain-management software. The two companies are intertwined. They share sales channels. James R. McGuone is the general counsel of both companies, and Vincent Klinges is the chief financial officer of both companies. Michael Edenfield was chief operating officer of American Software before being named CEO of Logility.

When Logility held its IPO in 1997, American Software owned about 84 percent of Logility's shares. That amount has risen to about 88 percent. Now American Software wants to own all of Logility. American Software has offered to acquire the remaining shares of Logility it doesn't already own for about \$8 million. American Software's tender offer begins April 10 and will expire April 30.

Because of the close family and financial ties between the two companies, it should come as no surprise that the boards of both companies have formed special independent committees to assess American Software's offer.

American Software's special independent committee is taking counsel from **Baker, Donelson, Bearman, Caldwell & Berkowitz** partners Henry B. Levi in Atlanta and Sam Chafetz in Memphis. Logility's special committee hired **Jones Day** partner Lianne Thomas and associate Heath D. Rodman. ☺

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