



## Ellen M. Enters

Partner

[eesenters@foxrothschild.com](mailto:eesenters@foxrothschild.com)



Blue Bell, PA

Tel: 610.397.6505

Fax: 610.397.0450

Ellen represents both public and private entities in their real estate, finance, procurement and construction needs.

Co-Chair of the firm's Public Finance practice, she handles complex sales, acquisitions and leases of wireless infrastructure and commercial, residential, office, retail, municipal and industrial properties; acquisition of land by eminent domain (condemnation); and all aspects of construction projects. Ellen also represents institutional and private lenders, borrowers and guarantors in secured and unsecured lending transactions and regularly prepares and reviews loan documentation in connection with those loan transactions. Additionally, Ellen represents her public entity clients in a full range of tax-exempt financing transactions. She has acted as bond counsel for several public school districts in new money financing and refunding.

In her real estate work, Ellen has experience in:

- Negotiating the real estate provisions in Asset Purchase Agreements and Purchase and Sale Agreements for various small and large tower portfolio transactions involving the purchase of as few as one telecommunication site and to more than 400 telecommunications sites.
- Performing real estate due diligence (e.g., including title and survey reviews and title insurance matters) in connection with small and large tower portfolio transactions.
- Negotiating leases (and subleases) for wireless communication towers on behalf of various wireless infrastructure companies and government agencies.
- Analyzing financing, bankruptcy, title, zoning/land planning, and landlord/tenant issues.
- Coordinating and consulting with home builders, title insurance companies, mortgage lenders, buyers and sellers, architects and engineers.
- Handling transactions routinely involving a purchase price (or rents) of more than \$1 million from inception to closing, including monitoring, coordinating and handling "surprises" and resolving disputes.
- Negotiating leases (and subleases) for wireless communication towers on behalf of various government agencies and wireless infrastructure companies.
- Advising institutional and private lenders, borrowers and guarantors in secured and unsecured lending transactions.
- Preparing and reviewing loan documentation for loan transactions.
- Negotiating miscellaneous agreements such as restrictive covenants, easements and declarations to address protection of open space, protection of water rights, access easements, utility easements and recreational trails.
- Advising clients on agricultural and conservation issues affecting land acquisition and development (e.g., Act 319 (Clean and Green), Agricultural Security Areas, sale of development rights).

Ellen is routinely involved in construction projects ranging from \$12 million to \$50 million. She assists clients with:

- Contract negotiations with design professionals, construction managers and construction contractors for new construction or renovation and expansion of existing facilities.
- Reviewing non-technical construction specifications.
- Developing superior bid specifications and bid/contract forms for architects, engineers and contractor agreements for public sector.
- Public sector review of bidding process for compliance with codes and regulations.
- Analyzing bid protests.
- Drafting project correspondence, coordinating multiple prime contractors and administering construction contracts.
- Analyzing claims for defective work and delays, contractor defaults and contractor payment claims and providing proactive advice to solve disputes and other issues without lawsuits.
- Negotiating with third-party sureties in connection with claims under performance and payment bonds.

Ellen also advises a variety of public entities (including public schools, vocational-technical schools, community colleges, sewer authorities and intermediate units) and interstate purchasing consortium on the acquisition of supplies and services through public bidding, lease/financing arrangements, state bid lists and public purchasing agencies. Ellen's clients procure supplies and services for thousands of students and employees in connection with all aspects of their educational programs and maintenance of their buildings and grounds. She has assisted with procurement contracts ranging from the simple acquisition of a piano to full service bus transportation contracts, food service contracts and guaranteed energy savings contracts. In this work, she assists with:

- Drafting and developing bid specifications and/or requests for proposals.
- Collaborating and consulting with the necessary experts on technical specifications.
- Reviewing the specifications for compliance with codes and environmental regulations.
- Analyzing bid protests, claims for defective product and delays, contractor defaults and contractor payment claims.

## Services

- Real Estate
- Construction
- Education
- Public Finance

## Before Fox Rothschild

At Penn State, Ellen was a member of the Golden Key National Honor Society and Phi Upsilon Omicron National Honor Society. In law school, she was a member of the *Villanova Law Review* and graduated Order of the Coif.

## Beyond Fox Rothschild

Ellen has participated in firm-sponsored seminars and lectured on real estate issues. As a faculty member for continuing legal education for the Pennsylvania Bar Institute, she has presented residential real estate documents and contributed to its course book.

## Bar Admissions

- Pennsylvania
- New Jersey

## Education

- Villanova University School of Law (J.D.)
- Pennsylvania State University (B.S.)

## Memberships

- Montgomery County Bar Association
- Pennsylvania Association of Bond Lawyers
- National Association of Bond Lawyers

## Honors & Awards

- **Selected to the "Super Lawyers" list for Schools and Education in Pennsylvania (2012-2014)**

*This award is conferred by Thomson Reuters. A description of the selection methodology is [available here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*