



Morgan H. Rogers

Partner

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t 704.335.9846



Morgan Rogers focuses his practice on commercial litigation and real estate transactions. A broad range of clients rely on him for legal advice that makes business sense. He has more than 12 years of experience analyzing legal challenges and finding solutions that fit clients' unique needs.

As a litigator, Morgan helps clients resolve a wide spectrum of corporate disputes at trial or in negotiations beforehand. He has experience in all phases of litigation, including preliminary motions to dispose of the case, trial, and appeal. He has particularly deep experience with real estate, construction, financial services, manufacturing, trusts and estates, and corporate governance.

Morgan also uses the lessons learned from his litigation practice to advise real estate clients on transactions. He knows how to draft real estate documents that will better protect his clients against litigation and put them in a stronger position when going to court is necessary. He represents developers, builders, lenders, owners, lessees, and other clients in restrictive covenants, leases, purchase and sale agreements, and other real estate transactions.

Morgan grew up in Charlotte and has a strong connection to the local community.

REPRESENTATIVE EXPERIENCE

Real Estate and Construction

- Drafted and advised on an extensive number of real estate purchase contracts, easements, subdivision restrictions, leases, and construction agreements.
- Successfully defended a developer in a case in which the plaintiff claimed that a public-private partnership violated the North Carolina Constitution; obtained summary judgment, which was affirmed by the North Carolina Court of Appeals.
- Won summary judgment for homeowners' association against builder that claimed he was an authorized builder under the community guidelines.
- Won summary judgment in lawsuit alleging that builder improperly interfered with a vendor's relationship with its employee, misappropriated



CHARLOTTE OFFICE



PRACTICE AREAS

Construction
Real Estate Litigation
Litigation



EDUCATION

University of South Carolina
JD, *cum laude*, 2007
Wake Forest University
BA, *cum laude*, 2004



ADMISSIONS

North Carolina, 2007



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trade secrets, stole property, committed fraud, and engaged in unfair and deceptive trade practices.

- Obtained first “Torrens” Decree in Mecklenburg County history, securing incontestable title to land for developer client.
- Midway through trial obtained favorable settlement of declaratory judgment claim, alleging that a section of our clients' property was a publicly dedicated street.
- Successfully resolved disputes over earnest money in purchase contracts.
- Obtained summary judgment in favor of a national homebuilder, dismissing the plaintiffs' claims for violation of North Carolina Sedimentation and Pollution Control Act, Landfill Act, negligence, breach of contract, and breach of implied warranties arising out of erosion of slope next to plaintiffs' house.
- Won summary judgment for landlord client, ejecting tenant who claimed an option to purchase the properties at issue; affirmed by North Carolina Court of Appeals.
- Obtained summary judgment in two separate actions alleging that homebuilder violated the covenants, conditions, and restrictions.
- Obtained summary judgment dismissing claims by group of homeowners that homebuilder misrepresented setbacks and neighborhood amenities; obtained dismissal of appeal filed with the North Carolina Court of Appeals.
- Successfully defended motions for injunctions in alleged adverse possession case, which was later dismissed by the plaintiffs.
- Resolved many claims related to construction liens and alleged faulty construction.
- Obtained favorable arbitration ruling on homebuilder's construction claims against subcontractor.
- Reached favorable settlements on behalf of lessors and lessees in disputes over repair and maintenance of the premises under the leases at issue.
- Won dozens of small claims trials in commercial landlord-tenant disputes.

Other Commercial Matters



Related Practices:

Construction • Real Estate Litigation • Litigation



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- Won defense verdict at trial in litigation filed by shareholder alleging fraud and various other claims against the company in which he held shares.
- Granted summary judgment award that included triple damages to client arising out of wire transfer scam.
- Obtained summary judgment dismissing bank client in lawsuit alleging that loan documents were invalid.
- Handled dozens of cases defending banks from claims related to the negotiable instruments provisions of the Uniform Commercial Code.
- Successfully defeated motion to dismiss filed in federal court on claims for tortious interference with prospective economic advantage, unfair competition, defamation, and slander per se.
- After presentation of cases at trial, but before verdict, reached favorable settlement in dispute between business and software developer.
- Tried various cases and arbitrations, including cases with real property claims, breach of contract claims, and negligence claims.
- Obtained summary judgment in caveat litigation (will contest), defeating claims of undue influence, lack of capacity, and revocation by subsequent will; the court's order provides that the will propounded by our client controls, and awards attorneys' fees against opposing party and estate.
- On behalf of trust beneficiary negotiated termination of trust, significant payment of trust corpus to beneficiary, and settlement of lawsuit alleging that trustee failed to appropriately make trust distributions.
- Reached favorable settlement in two companion estate disputes involving numerous beneficiaries and alleged fiduciary duty violations.
- Participated in settlement on behalf of trustees in lawsuit brought by ex-wife seeking assets held in trust for the beneficiary ex-husband.
- Reached favorable settlement in lawsuit alleging breach of fiduciary duty claims against executor of estate and attorney-in-fact under power of attorney.



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CLIENT ALERTS

- "Morgan Rogers Authors Article on Will Caveats in North Carolina Law," January 2016

HONORS

- *Benchmark Litigation*, Future Star in North Carolina, 2018-2020; 40 & Under Hot List, 2016, 2018-2019
- *North Carolina Super Lawyers* Rising Star, 2013-2019

MEMBERSHIPS

- Arts+ (formerly known as Community School of the Arts), Board of Directors, 2012-present; Governance Chair, 2013-2015, Vice Chair/Chair Elect, 2015-2016; Chair, 2016-2018
- Urban Land Institute, 2016-present
- Bechtler Museum of Modern Art, Bechtler Young Visionaries, 2013-2018; Steering Committee, Bechtler Young Visionaries, 2013; Apprentice to Board of Directors, 2011-2012; Programming Committee, 2011-2012
- Arts & Science Council, Cultural Leadership Training (CLT) Program Participant, 2010-2011, Designated Revenue Study Committee, 2018-2019
- Chief Justice William H. Bobbitt American Inn of Court, Membership Chair, 2013; Member, 2007-present
- South Carolina Law Review, Editorial Board