

MANAGING PARTNER

Merc
Pittinos

[He/Him/His]

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Merc is the firm's Managing Partner with a practice focused on helping clients resolve real estate disputes. He represents clients throughout Colorado.

Merc works with developers, landowners, landlords, brokers, and homeowners. He has helped clients resolve disputes involving real estate transactions, loans, leases, easements, covenants, and boundaries. He has written and lectured extensively about Colorado adverse possession law.

In his practice, Merc has represented landlords in lease disputes; developers in breach of contract, construction, and foreclosure actions; property owners in title and boundary disputes; and oil and gas companies in title, lease, and joint operating agreement disputes.

Merc is a former member of the Planning and Zoning Commission and the Board of Adjustment and Appeals for the City of Englewood. In 2013 and 2014, he was selected as a Rising Star in real estate by *Colorado Super Lawyers*.

Merc has represented clients in jury trials, bench trials, and arbitration proceedings and has argued cases before the Tenth Circuit Court of Appeals, the Colorado Supreme Court, and the Colorado Court of Appeals.

AREAS OF CONCENTRATION

Business Litigation
Commercial Litigation
Real Estate
Real Estate Litigation

EDUCATION

University of Denver, J.D.,
Managing Editor, *University of Denver Water Law Review*
Duke University, A.B.

CREDENTIALS

Best Lawyers®: Real Estate
Law, 2022 - 2024; Litigation -
Real Estate, 2023 - 2024
Colorado Super Lawyer: Real
Estate, 2024; Rising Star:
Real Estate, 2013 - 2014

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REPRESENTATIVE MATTERS

Contract Disputes

- Successfully defended seller of commercial property in trial and appeal over purchase and sale agreement
- Assisted both clients and brokers to resolve commission disputes, represented buyers and sellers of real property litigating disclosure and breach of contract disputes, and helped clients resolve HOA covenant disputes.

Real Estate and Oil and Gas Lease Disputes

- Trial court victory representing owner of industrial building in dispute over lease renewal option.
- Successful resolution of dispute regarding replacement obligations under triple-net lease.
- Frequent representation of landlords in eviction proceedings.
- Assisted clients in oil and gas lease termination disputes involving option payments, shut-in royalty payments, and production sufficient to extend lease into secondary term.
- Obtained dismissal of suit challenging constitutionality of Weld County ordinance related to the siting of oil and gas facilities.

Adverse Possession

- Defended developer against adverse possession claim based upon use of property for rifle range in Steamboat Springs.
- Represented clients in adverse possession case at ranch in Elbert County, Colorado.
- Retained by ranching family to assist in appeal of adverse possession decision impacting property adjacent to Roaring Fork River near Aspen.

Easements

- Successfully represented homeowner in trial and appeal to declare historical easement agreement void.
- Assisted landowner in dispute to resolve whether access road was county road, private road, or public road by historic use.
- Filed lawsuit to protect historic access to 1,200-acre ranch in Routt County.
- Represented ditch company in suit over location and scope of ditch easement.

Boundary Disputes

- Represented client in property dispute based on historic movement of Arkansas River.

AFFILIATIONS

American Bar Association
Colorado Bar Association

ADMITTED

Colorado
Colorado Supreme Court
U.S. Court of Appeals for the
Tenth Circuit
U.S. District Court – District of
Colorado

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- Negotiated and drafted boundary agreement to address title problems on multiple sides of parcel in Boulder County.
- Successfully settled dispute involving claims against seller for breach of real estate contract and two neighbors over boundaries and easements.

Real Estate and Mineral Rights Ownership

- Filed quiet title action to protect client's interest in property that was held in domestic partner's name.
- Filed and defended multiple suits to resolve claims related to reversionary interests, wild deeds, the historical conveyance of leasehold interests in multiple transactions, the quantification of non-participating royalty interests, and scrivener's errors in deeds.

Reformation

- Sued more than 150 defendants in deed reformation action to successfully recover oil, gas, and mineral rights mistakenly conveyed in sale of agricultural land in Weld County.

Lien Priority Disputes

- Retained by bank to resolve dispute over priority of deeds of trust.

PUBLICATIONS AND ARTICLES

- Quoted
"How I Made Managing Partner: Master 'the Area of Law You Love the Most' and 'Then Support Your Colleagues to Do the Same,' Says Merc Pittinos of Moye White"
Law.com, November 2023
- Quoted
"As Big Law Plunders Talent, Midsize Firms Embrace 'Lifestyle' Firm Status"
ALM Mid-Market Report, September 2023
- Quoted
"Moye White Names New Managing Partner, Other Leaders"
Law360 Pulse, July 2023
- Author
"Avoiding Real Estate Litigation: Follow These Suggestions"
Colorado Real Estate Journal, November 2022
- Co-Author
"How Pandemic-Related Executive Orders Impact Real Estate"
Colorado Real Estate Journal, June 2021
- Quoted
"Commercial Evictions in Boston: A Roadmap for the Future"
Harvard Public Policy Report, April 2021

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- Quoted
 “As Denver storefronts go dark, experts expect more vacancies, better deals ahead”
The Denver Post, November 2020
- Quoted
 “Landlord sues Red Robin over unpaid HQ rent”
Business Den, May 2020
- Co-Author
 “Working with Troubled Tenants in the Time of COVID-19”
Colorado Real Estate Journal, April 2020
- Co-Author
 “Evictions in the Time of COVID-19”
Colorado Real Estate Journal, April 2020
- Quoted
 “Gravel pit could be unexpected neighbor to new Longmont subdivision”
Business Den, August 2019
- Quoted
 “Buyer beware: Oil and gas rigs may be closer than you think”
Denver Business Journal, September 2017
- Author
 “Is Adverse Possession in Colorado Real Estate Dead?”
Colorado Real Estate Journal, February 2014
- Author
 “Adverse Possession after House Bill 1148”
 37 Colo. Law. 73, November 2008
- Authored chapter on adverse possession in Geoffrey P. Anderson
 Colorado Quiet Title Actions
 Gordon L. Allott, Sr., 36 Colo. Law. 29, July 2007

SPEAKING ENGAGEMENTS AND PRESENTATIONS

- Presenter
 “Managing Partner Roundtable”
Law Week Colorado, December 2023
- Presenter
 “Timely Commercial Real Estate Issues Every Broker Should Know to Avoid Litigation”
 Lurking Legal Issues, Denver Metro Commercial Association of Realtors, December 2021

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- Presenter
“Industry Update: When Buyers and Sellers Sue Each Other”
Heritage Title Company Webinar, September 2021
- Presenter
“Timely Commercial Real Estate Issues Every Broker Should Know to Avoid Litigation, Lurking Legal Issues”
Denver Metro Commercial Association of Realtors, December 2020
- Presenter
“A Legal Perspective on the Real Estate Industry: A Conversation on the Impacts of COVID-19”
Moye White Webinar, June 2020
- Presenter
“Timely Commercial Real Estate Issues Every Broker Should Know to Avoid Litigation, Lurking Legal Issues”
Denver Metro Commercial Association of Realtors, December 2019
- Presenter
“Understanding Adverse Possession, Land Laws for Civil Engineers and Land Surveyors”
Half Moon Education Seminar, May 2019
- Presenter
“Defining Adverse Possession and Trespass, Boundaries and Easements”
Half Moon Education Seminar, January 2017
- Presenter
“Legal Panel”
Colorado Association of Realtors 2016 Convention, September 2016
- Presenter
“Defining Adverse Possession and Trespass, Determining Land Ownership and Access Rights” Half Moon Education Seminar,
November 2015
- Presenter
“Procurring Cause”
Colorado Association of Realtors Webcast, January 2015
- Presenter
“Legal Panel”
Colorado Association of Realtors 2014 Convention, October 2014
- Presenter
“Quiet Title Actions: The Basics Plus Selected Advanced Topics”
February 2011
- Presenter
“Quiet Title Actions: The Basics Plus Selected Advanced Topics”
August 2008