



December 1, 2017

## ● Welcome!

Welcome to the first issue of our newly redesigned e-newsletter for the construction industry. The name and look of this publication may have changed, but one thing remains the same: our dedication to providing insightful, relevant, and beneficial information to our readers concerning the ever-evolving construction industry.

At Spilman, we strive to deliver a uniquely different experience that encourages clients to set a higher level of expectation from us. We encourage you to reach out to us with questions, feedback, ideas for articles, and any input you have. Our goal is not only to be a knowledge base for you, but also to help forecast coming trends that could impact your business.

We look forward to hearing from you.

- [Spilman Construction Practice Group](#)

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## ● From Red to Black - Using Tax Credit Programs to Complete the Project

By [Bryce J. Hunter](#)

Similar to other industries in today's economy, our contractor and developer clients deal in a highly competitive marketplace. As contractors and developers seek opportunities to expand business, they should consider some less orthodox (and less understood, but established) options.

Federal and state tax credits can help make a project financially feasible while providing financial benefit for both contractors and investors. When reviewing a project, contractors and developers should consider a number of federal and state tax credits that can push a project from the red to the black. Historic Rehabilitation Tax Credits, the New Markets Tax Credit Program, the Solar Investment Tax Credit, and the Research and Development Credit can alleviate tax burdens by providing dollar-for-dollar reductions in tax obligations, increase return on investment, and allow projects to move forward.

Click [here](#) to read the entire article.

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## ● Out is Now In - Understanding the Outparcel Trend and Potential Pitfalls

By [Jessica L. Kimble](#) and [G. Mattern \(Matt\) York](#)

During the last several years, we have noticed a trend in the world of retail development. More and more "big-box" retail companies are carving out parts of their parking lots to create new outparcels. To understand the market forces behind this trend, we turned to some of our friends in the commercial brokerage community.

Click [here](#) to read the entire article.

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## ● Trendy Building Material May Cause Future Problems

By [Bryan G. Scott](#) and [J. Spencer Cook](#)

We all remember the litigation nightmare surrounding synthetic stucco or EIFS (exterior insulation finish systems) in the recent past. Now, commentators worry that Adhered Concrete Masonry Veneer, also known as manufactured stone veneer, when installed improperly, poses the potential to cause widespread litigation similar to EIFS.

Click [here](#) to read the entire article.

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## ● Off the Reservation (of Rights): South Carolina Speaks on CGL Insurer Notification Requirements

By [Stephanie U. Eaton](#) and [Steven C. Hemric](#)

Lawsuits over defective construction are common in South Carolina. So, when a construction company covered by a CGL insurance policy is sued over an alleged construction defect, the insurance company may agree to defend the construction company in the construction defect lawsuit. But what happens when the lawsuit is over and there is a conflict between the insurance company and contractor about which losses are covered by the policy and which are not?

Click [here](#) to read the entire article.

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## ● West Virginia, Tightening the Belt, and Growth - Financing Public Improvements in Lean Budget Times

By [Carrie J. Cecil](#)

Since 2008, many state and local governments around the country have faced budget challenges. As lawmakers struggle to produce balanced budgets in the face of declining revenues, investment in public improvements, such as schools, transportation, public buildings, water and sewer facilities and other key services, through traditional methods may be challenging. In West Virginia, alternative financing structures, such as tax increment financing and public private partnerships, have provided flexibility to finance public improvements despite declining revenues.

Click [here](#) to read the entire article.

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## ● Spilman Construction Practice Group - Featured Attorney

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Travis Knobbe serves as Counsel in the Pittsburgh, Pennsylvania office. His primary areas of practice are construction law, commercial litigation, creditors' rights, bankruptcy litigation, and appellate litigation. Mr. Knobbe has extensive construction law experience including chairing a six-day jury trial on behalf of general contractor in breach of contract and breach of warranty, pursuing claims by an international developer against several contractors working on commercial development sites, defending

against actions to enforce mechanic's liens against financial institutional clients, representing contractors and customers in litigation stemming from both residential and commercial construction projects, and advising clients regarding construction contracts between various parties to construction projects. He is recognized by Pennsylvania and Virginia Super Lawyers, He is admitted to the Pennsylvania, West Virginia, and Virginia State Bars; the United States District Courts for the Western District of Pennsylvania, the Western and Eastern Districts of Virginia, and the Northern and Southern Districts of West Virginia; the United States Bankruptcy Courts for the Western District of Pennsylvania, the Western and Eastern Districts of Virginia, and the Northern and Southern Districts of West Virginia; and the United States Court of Appeals for the Fourth Circuit. Mr. Knobbe has also spoken at a conference for architects, engineers, and specialty subcontractors concerning the relative bargaining power and resulting contractual nuances in both large- and small-scale commercial projects.

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