

## Wendell A. Smith

OF COUNSEL

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*Early on, I learned three important lessons that have guided my career: First, 'The difference between mediocrity and excellence is attention to detail.' Second, 'Don't identify a problem without attempting to find a solution.' Finally, 'If all objections must first be overcome, nothing will ever be accomplished.'*

Mr. Smith focuses his practice on community association law, planned real estate development and land use. He has practiced real estate law for over fifty years, and is widely recognized as one of New Jersey's preeminent authorities on the legal issues impacting condominiums and common interest communities.

Throughout his long and distinguished career, Mr. Smith has focused on real estate law and provided practical and sophisticated representation to national and local real estate developers, lending institutions, and numerous condominium, cooperative and other common interest communities, including conversions, golf and tennis communities, retirement communities, congregate care facilities and dockominiums. His comprehensive experience in land use issues and planned real estate development includes large mixed-use projects and high rise buildings as well as active adult, golf course and resort communities. He assists clients in navigating the complexities associated with distressed common interest communities, and adeptly provides counsel on issues arising during the transition from developer to unit owner control.

Mr. Smith frequently serves as an expert witness in community association litigation, both as a court appointee and at the request of private litigants, and has also served as a custodial receiver for

### Departments

Real Estate

### Practice Groups

Community Association

Planned Real Estate

### Education

University of Michigan, J.D.,  
1959

Johns Hopkins University,  
B.A., 1954

### Bar Admissions

New Jersey, 1960

New York, 1966

U.S. District Court, District of  
New Jersey, 1960

U.S. Supreme Court, 1966

conversion projects.

*Results may vary depending on your particular facts and legal circumstances.*

## HONORS & AWARDS

- American College of Real Estate Lawyers Charter Fellow; Common Interest Ownership Committee (past Vice Chair)
- College of Community Association Lawyers Charter Fellow
- American Bar Foundation Fellow
- Listed in *The Best Lawyers in America*® (a trademark of Woodward/White, Inc.) in the Real Estate Law and Land Use & Zoning Law practice areas (1983 – 2020)
- Selected by *Best Lawyers*® (a trademark of Woodward/White, Inc.) as Woodbridge "Lawyer of the Year" in Real Estate Law (2014); as Woodbridge "Lawyer of the Year" in Land Use & Zoning Law (2013); as Newark "Lawyer of the Year" in Real Estate Law (2011)
- Martindale-Hubbell® Peer Review Rated AV® Preeminent (a trademark of Internet Brands, Inc.) (2001 – present)
- Recipient of the prestigious Byron Hanke Award from the national Community Associations Institute for his outstanding contributions to community associations
- Recipient of the inaugural Lifetime Achievement Award from the Community Associations Institute, New Jersey Chapter (2011)
- Recipient of the Distinguished Alumnus and Heritage Awards from Johns Hopkins University

*Please visit our Award Methodology page for a description of the standard or methodology on which these accolades are based. Attorney Advertising: No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

## UNIQUELY NJ

- Community Associations Institute, New Jersey Chapter (CAI-NJ); General Counsel Emeritus and Founding President
- Holmdel Theatre Company at the Duncan Smith Theater, Co-Founder and Board of Directors
- Bayshore Community Hospital, Former Trustee and Chair
- Bayshore Community Hospital Foundation, Former Trustee and Chair

## MORE ACTIVITIES & EXPERIENCE

- Johns Hopkins University and Johns Hopkins Medicine; Trustee Emeritus; first President, Johns Hopkins Alumni Council
- American Bar Association, Committee on Common Interest Community Associations (past Vice Chair)
- Community Associations Institute, Former Trustee
- Community Associations Institute Research Foundation, Past President
- As former Vice President and General Counsel of Levitt and Sons, Incorporated and Boise Cascade Building Company, Mr. Smith was involved in sophisticated real estate transactions and development throughout the continental United States and in Puerto Rico

## PRESENTATIONS & SPEAKING ENGAGEMENTS

Mr. Smith has lectured throughout his career on topics related to real estate law.

He has delivered presentations at several law schools, as well as for groups including the American Bar Association, the American College of Real Estate Lawyers, the New Jersey Institute for Continuing Legal Education, the Community Associations Institute's New Jersey Chapter, and the New Jersey Builders Association.

## PUBLICATIONS & ALERTS

Co-Author, New Jersey Condominium and Community Association Law  
(*Smith, Estis & Li, Gann Law Books, 2024*)

Quoted, Financial Record-Keeping: Following the Money  
*The New Jersey Cooperator*, July 2016

Author, Developer Liability for "Benefits Derived" and Real Estate Taxes for Phantom Units in Condominiums and Other Common Interest Communities  
*Dimensions*, Fall 2015

Quoted, Surviving a Financial Firestorm: Overcoming Fraud & Neglect  
*The New Jersey Cooperator*, July 2014

Author, Is It Time To Prohibit Smoking Within Condominium or Cooperative Apartment Units?  
*The New Jersey Cooperator*, September 2012

Author, Amend Your Governing Documents and Make Other Major Association Decisions by Membership Consent Without a Formal Vote or Meeting

*Greenbaum, Rowe, Smith & Davis LLP Client Alert*, May 2009

Author, Prohibition of Leases and Other Rental Restrictions for Condominium Units

*Community Trends*, October 2008

Author, Updating Governing Documents Without a Meeting

*Community Trends*, April 26, 2008

Author, Obtaining Unit Owner Approval - an Easier and More Effective Approach

*Community Trends*, November 2006

Author, Capital Contributions for Condominium Associations are Not Universally Invalid

*Community Trends*, January 2006

Author, From Developer to Owner: A 13 Point Plan for Successful Transition

*New Jersey Cooperator*, October 2005

Author, The Age Restriction Maze Revisited

*Community Trends*, October 2005

Author, Prohibitions or Limitations for Investor Rental Units - Are They Legally Valid

*Community Trends*, September 2004

Author, Avoid Legal Pitfalls in Active Adult Communities

*The Council Communiqué*, Fall 2003

Author, *Good Standing - What Does It Mean?*

*Community Trends*, September 2003

Author, Modification of DCA Guidelines for '55 or Over' Exemption for Active Adult Communities

*The Council Communiqué*, Spring 2003

Author, Prior Board Approval of New Condo Residents - a Post 9/11 Approach

*Community Trends*, September 2002

Author, DCA Places a New Twist On '55 or Over' Exemption Under Housing For Older Persons Act

*The Council Communiqué*, 2001

Author, A 13 Point Plan for Successful Transition of the Association Board to the Owners

*Community Trends*, October 2000

Author, Housing for Older Persons Exemption - The 80% Rule Revisited

*The Council Communiqué*, 1998

Author, Public Offering Statements - Necessary Evil or Protective Shield Against Liability?

*Markitect*

**NEWS**

Greenbaum Attorneys Co-Author 2024 Edition of "New Jersey Condominium and Community Association Law" Treatise

November 29, 2023