

MORRIS NICHOLS ARSHT & TUNNELL



KATHERINE H. BETTERLY
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PRACTICE AREAS

Commercial
Real Estate
Unclaimed Property

EDUCATION

J.D., 2001, University of Pennsylvania
Law School
Associate Editor, 1999-2001,
*University of Pennsylvania Journal of
International Law*
B.A., economics, magna cum laude,
1996, Duke University

ADMISSIONS

Delaware, 2001

Kate's practice involves a wide spectrum of national and local transactional matters including business acquisition agreements, financing transactions (including matters involving UCC Article 9), bankruptcy-related transactions and other general contract law matters. Kate's practice also includes the preparation of Delaware legal opinions in connection with a range of transactional matters as well as representation of clients involved in bank and insurance regulatory matters.

Kate is also a member of the Firm's commercial real estate practice, where she focuses on transactions involving the finance, acquisition and development of commercial properties. Kate regularly represents both landlords and tenants in commercial leasing transactions. She also routinely handles issues related to ground leases, construction contracts, easements and licenses. She is a title agent for various national title insurance companies.

In addition to her transactional practice, Kate frequently represents unclaimed property holders. She acts as outside counsel to numerous Fortune 500 companies in connection with unclaimed property audits, compliance matters and voluntary disclosure programs.

Her clients range from large, multinational corporations to local private and governmental entities such as The Delaware River and Bay Authority, The Port of Wilmington, and McConnell Development, Inc.

Kate participates in drafting updates to Delaware's Uniform Commercial Code as a member of the UCC subcommittee of the Commercial Law Section of the Delaware Bar Association. She also devotes a portion of her time to pro bono matters as an attorney guardian *ad litem* and/or Frazier attorney in the Family Court for the State of Delaware and serves as a member of the Board of Directors of the University of Delaware Library Associates.

In 2020, *Chambers USA* ranked Kate among leading Delaware practitioners in the Real Estate area.

Professional Activities

- American Bar Association
 - Section of Business Law
 - Real Property Trust & Estates Section, Legal Opinions in Real Estate Transactions
- Committee of 100
- Commercial-Industrial Realty Council
- Delaware Commercial Real Estate Women
- Delaware State Bar Association

- Commercial Law Section (Chair, 2011-2013; Vice Chair, 2009-2011; Secretary, 2007-2009)
 - Real & Personal Property Section
 - Uniform Commercial Code Subcommittee
- Unclaimed Property Professionals Organization

Community Activities

- University of Delaware Library Friends (Board of Directors)

Representative Matters

- Represented purchaser in acquisition of acrylonitrile manufacturing facility. Handled drafting of acquisition documentation, real estate issues and negotiation of transition and service agreements.
- Serves as counsel to owner of 440,000 square feet high rise office building in downtown Wilmington, Delaware.
- Represents large regional airport in wide variety of real estate issues, including leasing of airport facilities, federal aid grants and working with the Federal Aviation Administration as well as commercial airlines.
- Represents Port of Wilmington in a wide variety of leasing and real estate matters including the acquisition of the Edgemoor facility.

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