

# Merritt N. Spencer

## Senior Counsel

Merritt N. Spencer provides advice and counsel in the areas of real estate transactions, construction contracts, real estate and commercial litigation, and Texas regulatory matters. His scope of practice includes representing the following:

- buyers and sellers of commercial and residential real estate,
- commercial landlords and tenants in connection with leasing contracts and disputes,
- property owners and contractors in connection with construction contracts and construction-related disputes,
- developers of commercial and residential real estate projects,
- businesses and professionals with licensing issues before Texas regulatory agencies, and
- financial institutions and other secured lenders in the protection of security interests and foreclosures.

### EXPERIENCE

#### REAL ESTATE

- Represented owners of developed and underdeveloped commercial property in central Austin with the sale and leasing of the properties
- Assisted custom home builders with new residential developments, including development of covenants and restrictions and construction contracts
- Assisted purchasers of existing commercial developments in connection with purchase contracts and due diligence issues
- Represented commercial tenants with the negotiation and drafting of new and amended commercial lease agreements

#### REGULATORY MATTERS

- Obtained a favorable decision on behalf of a motor vehicle manufacturer in an agency-initiated enforcement proceeding alleging a violation of agency rules
- Obtained a favorable decision in a FINRA-governed securities arbitration
- Resolved state agency licensing disputes for clients in various professions, including service contracts, electrician, air-conditioning installation, and cosmetology
- Obtained a favorable decision on behalf of a motor vehicle manufacturer in a dealer-termination proceeding
- Obtained favorable decisions in lemon law proceedings on behalf of a luxury recreational vehicle manufacturer and an engine manufacturer
- Represented a motor vehicle manufacturer trade organization in a rule-making proceeding before a Texas state agency

## Practices, Industries & Services

Franchise & Licensing  
Litigation  
Real Estate

## Memberships

- State Bar of Texas, Administrative Law Section, Public Law Section
- Austin Bar Association, Member
- Greater Tomball Area Chamber of Commerce, Board of Directors, Member (2008)
- Rotary Club of Tomball, Past President (2007-2008)
- Tomball I.S.D., New Facility Steering Committee member (2006)



### Office

Austin  
720 Brazos Street  
Suite 700  
Austin, TX 78701

(512) 499-3625 (phone)  
(512) 536-5712 (fax)  
mspencer@clarkhill.com

### Education

J.D., University of Texas School of Law, Austin, Texas, 1991

B.A., summa cum laude, Abilene Christian University, 1987

### State Bar Licenses

Texas

### Court Admissions

U.S. District Ct., E.D. of Texas

U.S. District Ct., N.D. of Texas

U.S. District Ct., S.D. of Texas

U.S. District Ct., W.D. of Texas