

FOULSTON

ATTORNEYS AT LAW



KARL N. HESSE

PARTNER

WICHITA OFFICE

1551 N. Waterfront Parkway, Suite 100
Wichita, KS 67206-4466

T: 316.291.9554

F: 316.267.6345

khesse@foulston.com

PROFILE

For nearly 30 years, clients have trusted and relied on Karl Hesse for their oil and gas and real estate legal needs. Clients benefit from Karl's depth and diversity of experience and broad skill set in complementary areas of the law, attributes that are increasingly rare in lawyers. His varied experience in energy, real estate, employment, tort, and probate law enables him to help business clients identify potential landmines and develop strategies to avoid disputes and litigation whenever possible.

His experience in the energy industry began at Koch Industries, where he ultimately became General Counsel for Koch Oil Company and Koch Refining Company after developing skills in both the trial and business legal departments. Today, Karl assists landowners and mineral owners with negotiating oil and gas leases; oil and gas producers with title examination and other everyday business issues; and represents midstream clients in transactions involving the transportation and exchange of petroleum products.

Karl has a broad real estate practice, from the straightforward property transfer, lease or transaction involving real estate, to complex commercial development and wind energy projects. His real estate practice encompasses many of his other legal practice areas. Additionally, he has represented clients in exemption and valuation tax appeals before the Kansas Court of Tax Appeals. Licensed in Kansas, Colorado, and North Dakota, Karl has earned Martindale-Hubbell Law Directory's highest "AV" rating for lawyers.

When not at work, Karl enjoys running, sampling craft beers, hiking in the Rocky Mountains, and spending time with his family—wife, Pam, a real estate agent, sons Cole and Max, and daughter, Jean.

Education

- Washburn University (J.D., *cum laude*, 1992)
Washburn Law Journal, Comments Editor; Phi Delta Phi International Law Graduate of the Year
- Wichita State University (B.S. in Administration of Justice, *magna cum laude*, 1988)

Admissions

FOULSTON

ATTORNEYS AT LAW

- Kansas (1992)
- Colorado (2019)
- North Dakota (2020)
- U.S. District Court for the District of Kansas (1992)

PRACTICE AREAS

- Oil, Gas & Minerals
- Energy
- Renewable Energy, Storage & Transmission
- Real Estate

INDUSTRIES

- Energy & Natural Resources
- Real Estate

RELEVANT EXPERIENCE

Oil & Gas/Wind Energy

- Representation of major oil company in all transactions associated with exploration, production, transportation, and refining of petroleum products.
- Outside General Counsel to exploration company doing business in Oklahoma, Texas, Kansas, and Montana's and North Dakota's Baaken formation.
- Mineral title examination, drilling title opinions, division order title opinions, acquisition title opinions in Kansas.
- Representation of midstream companies regarding product purchase and sale, exchange and buy-sell agreements.
- Representation of midstream companies in the construction of both intrastate and interstate pipelines, including preparation, negotiation and obtaining of easements, governmental approvals, and eminent domain proceedings when necessary, negotiation and drafting of leases for trucking stations.
- Representation of interstate pipeline company in connection with financing and mortgaging of assets across several Kansas counties and states.
- Negotiation, drafting and closing of several small and multimillion-dollar real estate and energy-related stock and asset sales transactions.
- Representation of oil and gas producers in matters before the Kansas Corporation Commission.
- Representation of numerous project developers regarding all aspects of wind energy real estate development diligence including accommodation and cooperation agreements, co-existing with oil and

FOULSTON

ATTORNEYS AT LAW

gas developers, title commitment and policy review, negotiation of exception removal and endorsements.

Real Estate

- Outside General Counsel to real estate developer of both commercial and residential developments. Includes negotiation of real estate purchase and sale agreements, addressing and solving title objections, establishing and administering owners' associations, common area maintenance issues, leasing, estoppels, third-party consents, licenses, lot splits, platting, easements, utilities, zoning and code compliance, and restrictive covenant issues.
- Representation of commercial shopping center development comprising 85 stores with more than 800,000 sq. ft., 425,000 leasable square feet, with big-box retailers, hospitality and an array of both regional and national tenants. Legal real estate work includes negotiation of purchase and sale agreements, leasing documents, restriction and easement agreements, and common area maintenance issues.
- Hotel developer's outside counsel, handling all aspects of new site acquisition negotiation, diligence, and entitlement, to acquire, construct and operate or franchise sites throughout the United States.
- Representation of landlords and tenants in lease negotiation and drafting, lease amendments, subleases, assignment of leases and related documents and issues, for commercial, residential, industrial and agricultural properties.
- Representation of national fast food restaurant developer in connection with the acquisition and development of restaurant locations.
- Representation of religious corporation in all aspects of real estate acquisition and development including purchase and sale, construction, easements, approvals, and tax exemption.
- Representation of many non-profit entities requesting exemption from property taxes before the Kansas Board of Tax Appeals.

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Selected by peers for inclusion in *The Best Lawyers in America*® for Natural Resources Law, 2024
- Mineral Title Examination Faculty Instructor; Washburn University School of Law (2015, 2017, 2019)
- Identified by *Chambers USA* as a leading lawyer in the United States in the area of Real Estate, 2011-2013
- Wichita Business Journal 40 Under 40 Business Leader, 2003
- Kansas Bar Association, Oil, Gas & Mineral Section Newsletter Editor
- Kansas Independent Oil and Gas Association Member
- Wichita Bar Association, Bar-o-meter, Co-editor
- President's Award, Wichita Bar Association, 2011 and 2021
- Rocky Mountain Mineral Law Foundation
- Foulston Siefkin LLP Leadership: Wellness Committee, chair, Recruiting Committee, member

COMMUNITY INVOLVEMENT

FOULSTON

ATTORNEYS AT LAW

- The Pando Initiative, Governance Committee
- Court Appointed Special Advocates (CASA), Former Board Member and President of the Board
- Boy Scouts of America – Quivira Council, Former Cub Scout Leader
- Sigma Alpha Epsilon Alumni Association
- Girl Scouts of the Great Plains, Former Board Member
- A Better Choice Crisis Pregnancy Center, Former Board of Trustees

PRESENTATIONS

2018

- Kansas' Marketable Record Title Act: To Use or Not to Use, That is the Question (Kansas Bar Association Oil, Gas & Mineral Law CLE; Eastern Kansas Oil & Gas Law Conference; Wichita Association of Petroleum Landmen)

2014

- Estate Planning for Oil, Gas and Other Mineral Interests (Foulston Siefkin LLP, Summer Estate Planning Forum)