



J. Marcus Painter

Partner

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Marc Painter's real estate practice focuses on complex real estate transactions, finance and development, as well as banking and related business counseling.

PRACTICES

Real Estate Development and Finance
 Banking and Financial Services
 Commercial Finance
 Commercial Leasing
 Multifamily and Affordable Housing
 Development
 Construction
 Residential and Community Development
 Zoning and Land Use
 Resorts, Lodging, and Leisure
 Eminent Domain
 Corporate
 Project Development and Finance

EDUCATION

University of Colorado, J.D., 1986
 University of Colorado, B.A., 1982
 Economics
magna cum laude
 Phi Beta Kappa
 Omicron Delta Epsilon

BAR ADMISSIONS

Colorado

COURT ADMISSIONS

U.S. District Court for the District of
 Colorado
 United States Supreme Court

For over 30 years, Marc's regional and national development and lending clients have sought his creative counsel in navigating difficult transactions to profitable completion.

Strong Cost-Benefit Approach: Marc's past experience as an economist and banker brings a unique and valuable cost-benefit approach to transactions and disputes. That experience also gives him knowledge of the financial and business needs of other parties in a deal and an ability to effectively work through those issues early to reach a favorable agreement.

Structuring Deals to Avoid Litigation: Marc's prior experience as a commercial, banking and real estate litigator affords him a thorough understanding of the reasons for disputes and a unique sensitivity to the potential for, and the distractions of, litigation. Clients value his experience in helping them anticipate and then develop effective strategies to structure deals in ways that avoid disputes or in positioning their transactions properly if litigation is a necessity.

EXPERIENCE

Real Estate Clients

Marc's experience includes representing developers in commercial and industrial development, multi-family projects, residential and commercial condominium development, and complex mixed use and resort projects. He assists in virtually all stages of a project, including:

- Site Acquisition
- Due Diligence
- Entitlements
- Choice Of Entity
- Equity And Debt Funding Structures
- Common Interest Community Structures
- Leasing
- Sales And Exit Strategies

Banking Clients

His lending clients also rely on his years of experience through varying economic cycles in evaluating and then drafting both real estate and asset-based commercial lending facilities, including:

- Acquisition, Development and Construction Loan Agreements and Security Instruments
- Intercreditor Agreements and Participation Arrangements
- Conduit and Other Institutional Non-Recourse Loans
- Title, Lien Search and Due Diligence Review
- Refinancings and Workouts
- Tax Credit, HUD, FHA and Similar Specialized Lending Structures
- Policies, Forms and Remedies Relating to Conflicts Between Federal Banking Law and Legalized Recreational and Medical Marijuana

Business Clients

Businesses from a variety of industries seek Marc's proactive representation as general counsel because of his thirty-plus years of experience assisting companies navigate the complexities of business operations. Whether it is one of the world's leading tennis racquet manufacturers, breweries and restaurants, high-tech manufacturers or solar providers, Marc looks for the most practical and cost-effective solutions. But where needed, he also calls upon the resources of other specialties in the firm, from insurance, to tax and securities, international trade regulation, anti-trust, internet and intellectual property, environmental, employment and complex compensation and benefit planning.

Other Areas of Emphasis

Marc's work in the resorts, lodging, and entertainment areas includes golf course community development work as well as hotel and restaurant liquor and related licensing. He also works with the firm's healthcare group in real estate, construction and related matters.

PUBLICATIONS

"Caps, Baskets, Waivers And Fraud With Impunity: Commercial Contract Remedies And The Economic Loss Rule," *Paper Published and Presented at the 34th Annual Real Estate Symposium, 2016*

"A Collection of Construction Contracting and Construction Defect Issues in Colorado Commercial Real Estate: a/k/a Nothing is Quite What It Appears," *Spring Real Estate Update Symposium Published Materials, March 26, 2015*

"The Practitioner's Guide to Colorado Business Organizations, Real Estate Issues for Business Organizations," *Chapter Co-author, CLE in Colorado, Inc., Co-Author, 2015*

"Rents, Refi's, and Reefer Madness - How Legal Is Legalized Marijuana for Landlords and Their Lenders? ," *ABA Probate and Property Journal,*

Volume 29, Number 1, p. 10; Republished in GPSolo Magazine, January/February 2015 and March/April 2015

"Receivership: Not Just For Distressed Companies," *Published in LawWeek Colorado, Co-Author, October 16, 2014*

SPEAKING ENGAGEMENTS

"Then & Now: The Evolution of Denver's Northwest Corridor and Influence It Has on Community Today - How Real Estate Executives & Tenants Continue to Reshape the Northwest Corridor Markets," *Moderator, Bisnow Panel, May 8, 2019*

"Insurance Issues," *Presenter and Moderator - 15 Minute Drill, and Speaker: 37th Annual Real Estate Symposium, July 2018*

"Real Estate Issues for Business Organizations," *Practitioner's Guide to Colorado Business Organizations - Advanced Topics, November 2017*

"Rents, Refi's and Reefer Madness: More on the Dissonance Between Legalized Marijuana at the State Level, Real Estate and Finance at the Federal Level," *American College of Mortgage Attorneys, October 2015; Re-presented at keynote program at National Consumer Bankers' Association Annual Meeting, Orlando, Florida, 2018*

"Triangulating the Space Leasehold Deed of Trust," *Colorado Real Estate Symposium, 2015*

"Colorado Real Estate Journal Retail Owners and Managers Summit," *Emcee, June 2015, May 2013, June 2012, June 2011*

"Construction and Construction Defects Issues in Commercial Real Estate Contracting," *Spring 2015*

RECOGNITION

- *The Best Lawyers in America*®, Real Estate Law, 2009-2020
- Colorado Super Lawyers®, Real Estate, 2008-2019
- Boulder County Bar Association Outstanding Young Lawyer of the Year Award, 1992

PROFESSIONAL AND CIVIC AFFILIATIONS

- ACREL - American College of Real Estate Lawyers, Fellow
- ACMA - American College of Mortgage Attorneys, Fellow
Colorado State Chair
- University of Colorado Real Estate Center, International Advisory Board Member
- Colorado Bar Association, Real Estate Section, Member
Past Chair
Past Editor, Real Estate Section Newsletter
- Colorado Bar Association, Member

Executive Council, Past Member

Board of Governors, Past Member

Professionalism Task Force, Past Member

Young Lawyers Division, Past Chair

- U.S. Green Building Council, Colorado Chapter, Member
- American Bar Association, Section of Real Property, Trust and Estate Law, Member
- Boulder County Bar Association
 - Real Estate Section, Member
 - Young Lawyers, Past Chair
- Colorado Real Estate Commission, Forms Committee, Past Member
- Boulder Chamber of Commerce, 1993 Leadership Boulder Class
- Foothills United Way - serving Boulder and Broomfield Counties, Past Board Member and Vice President
- Continuing Legal Education of Colorado, Inc., Past-President