

Eric C. Bartley

Member

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Eric C. Bartley specializes in complex commercial real estate finance transactions for national bank and non-bank lenders on both portfolio investments as well as investments intended for securitization in the capital markets.

He has served as lead counsel for clients in commercial mortgage originations – both senior and subordinate lien positions, mezzanine financing, preferred equity investments, and the related negotiation of intercreditor and participation agreements on projects across the country.

Eric has extensively counseled lenders on structuring commercial real estate loans to high net worth individuals to address their unique tax concerns as well as complex estate plans including off-shore and domestic asset protection trusts. He also represents clients on the sale and acquisition of whole loans and loan portfolios, and has handled the workout and restructuring of several billion dollars of distressed commercial real estate assets secured by a wide range of property types including multifamily, office, retail, industrial, manufactured housing, and hospitality.

practices & industries

Banking and Finance
Real Estate

education

Michigan State University
College of Law, J.D., *magna cum laude*

Illinois State University, B.A.,
Finance

admissions

California
Michigan

court admissions

U.S. District Ct., E.D. Mich.
U.S. District Ct., W.D. Mich.

HONORS, AWARDS, AND RECOGNITION

- *The Best Lawyers in America 2021-2025*, Mortgage Banking Foreclosure Law, Real Estate Law
- *Michigan Rising Stars 2010-2018*, Banking Law

PROFESSIONAL AFFILIATIONS

- American College of Mortgage Attorneys, Fellow
- State Bar of California
- State Bar of Michigan
- American Bar Association
- Oakland County Bar Association
- Commercial Real Estate Finance Council
- Mortgage Bankers Association

PUBLICATIONS

- "And Federal Regulation for All: Federally Regulating the Mortgage Banking Industry," 2006 Mich.St.L.Rev. 479

REPRESENTATIVE MATTERS

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CRE Finance Matters

- Lead counsel to a national bank on a \$100+ million multi-facility fee and leasehold CRE lending transaction secured by 13 commercial properties in the State of California.
- Lead counsel to a national bank on a \$55 million CRE loan to facilitate the borrower's acquisition and renovation of upper level condominium units in New York City to provide concierge shopping spaces for ground floor luxury retailers.
- Lead counsel to private equity fund on its subordinate position construction financing on the redevelopment of the historic Metropolitan Building in Detroit, Michigan into an extended stay hotel utilizing new markets and federal

historic tax credits.

- Lead counsel to private equity fund on its construction and permanent financing on the redevelopment of the historic Strand Theatre in downtown Pontiac, Michigan bridging a historic tax credit investment.
- Program and closing counsel to a subsidiary of a New York private equity firm specializing in acquisition lines of credit and permanent loans secured by multi-state pools of single family rental properties.

Acquisitions and Disposition Matters

- Lead counsel to a hedge fund in its \$126 million disposition of a single-family rental portfolio covering seven states and the related assumption of indebtedness on a portion of the portfolio.
- Lead counsel to a subsidiary of a New York private equity firm in its acquisition of the assets of two separate companies providing acquisition and servicing platforms for the single family rental space.
- Lead counsel to a subsidiary of a New York private equity firm in the disposition of multiple loan portfolios for securitization.

Notable Workout & Foreclosure Engagements

- Represented CMBS Special Servicer in obtaining summary judgment for lender on carve-out guaranty for bankruptcy filing and subordinate liens, *8375 Honeytree Blvd Holdings, LLC v Jeffrey S. Starman, et. al.* 2012 WL 683379 (E.D. Mich. March 2, 2012)
- Successfully represented a CMBS Special Servicer in the defense of borrower's action to enjoin foreclosure sale due to borrower's lack of standing to contest interim assignments appearing in the record chain of title, *Livonia Properties Holdings, LLC v 12840-12976 Farmington Road Holdings, LLC*, 717 F.Supp.2d 724 (E.D. Mich. 2010), *aff'd* 399 Fed. Appx. 97, 2010 WL 4275305 (6th Cir. 2010), *cert. den.* 131 S. Ct. 1696 (2011)

- Represented CMBS Special Servicer in obtaining summary judgment for lender on its entitlement to pre-default rents and real estate tax refunds, which was upheld on appeal, *7800 W. Outer Drive Holdings, L.L.C. v College Park Partners, L.L.C.*, 2012 WL 2402010 (Mich. App. 2012)