

Derek J. Markle

Associate

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Derek represents lending institutions and borrowers in all aspects of cash flow, asset-based, real estate acquisitions, and construction loan financing transactions, including Low-Income Housing Tax Credit financings. Derek counsels and advises his clients on transaction structuring, documentation and negotiation of loan documentation, intercreditor and participation agreements and related lending matters. Derek's representation of these clients extends to workout and debt restructuring arrangements for non-performing loans, including foreclosure and bankruptcy proceedings. Derek also represents lenders in equipment financing transactions including negotiation and documentation of syndications and other lease related financing transactions.

In his real estate practice, Derek advises real estate investors and developers as well as other individual and corporate clients in the acquisition, disposition, construction and leasing of real property, including the negotiation and drafting of real estate contracts and documents, commercial lease agreements, ground lease agreements, purchase and sale agreements and financing of all types of commercial real estate, such as retail properties, residential development projects, office complex development projects, and other mixed-use properties.

As a licensed real estate title agent, Derek helps clients with analysis of title issues and risks, coordination of title insurance coverages, environmental clearance, zoning, lien priority and other due diligence reviews. Derek's practice within the firm's title insurance agency, including the provision of a full range of settlement services, allows for a seamless integration with many of the firm's real estate and lending clients.

In his corporate practice, Derek advises clients on general corporate governance matters including business planning and structuring, choice of entity issues, and real estate issues that arise in the course of corporate transactions.

In his free time, Derek enjoys cooking, golfing, skiing, and biking and is an avid Penn State football fan.

Capabilities

- Real Estate & Lending
- Corporate & Business Law
- Creditors' Rights & Bankruptcy



Representative Matters

- Lending and Financing Transactions
 - Regularly represents lenders and borrowers in multi-million-dollar asset-based, cash flow, real estate acquisition and construction financing transactions.
 - Regularly counsels lenders and borrowers through closing transactions with complex lending structures, such as intercreditor related issues and subordinated debt financing.
 - Regularly represents lenders in structuring, negotiation and documentation of Low-Income Housing Tax Credit financing transactions.
 - Regularly represents lenders in residential development loans and accompanying builder's lines of credit.
 - Represented a national lender in connection with equipment financing transactions ranging from \$20 million to \$35 million.
- Real Estate Transactions
 - Represented regional financial institutions in connection with the acquisition and disposition of retail branch locations.
 - Regularly represents developers and financial institutions in connection with drafting and negotiation real estate purchase and sale agreements.
 - Regularly advises clients on real estate title issues and related matters, including title insurance coverages, exceptions, guidance through the title due diligence process and resolving title defects.
 - Regularly represents developers, landlords, and tenants in connection with drafting and negotiation of lease agreements for commercial office, retail, and medical office space.
- Bankruptcy, Workout, Creditors Rights and Litigation Matters
 - Regularly represents lenders and other creditors in commercial loan workouts and bankruptcy related matters.
 - Regularly represents a national equipment financing and leasing company in enforcement of rights under leases and related workout matters.
 - Represented a national health and nutrition company in connection with the enforcement of rights under franchise and purchasing agreements.
 - Represented financial institutions and credit unions in numerous data breach class action lawsuits throughout the United States.
- Corporate Transactions
 - Regularly represents business owners and individuals to advise on entity formation, corporate governance, entity restructuring and other day-to-day business and corporate issues.
 - Represented business owner in connection with negotiation of asset purchase agreement and subsequent sale of multiple Edible Arrangements franchises.

Awards & Honors

- Super Lawyers, Rising Star: 2023
- Westmoreland County Bar Association, Wayne R. Donahue Memorial Scholarship Recipient, 2013, 2014
- Selected to represent Penn State Dickinson in the Academy of Trial Lawyers of Allegheny County (Gourley Cup) Mock Trial Competition



Professional/Community Involvement

- Allegheny County Bar Association, Member
- Junior Achievement of Western Pennsylvania Young Professionals Board, Member
- Phi Kappa Theta Fraternity – Nationwide Peer Accountability Committee, Chairman
- Pittsburgh Young Professionals, Member
- NAIOP Pittsburgh, Developing Leaders Member
- Financial Industries Network, Board of Directors
- Pennsylvania Bar Association, Member
- Urban Land Institute, Young Leaders Group Leadership Committee
- The Judith K. Fitzgerald Western Pennsylvania Bankruptcy Inn of Court, Member

Bar Admissions

- Pennsylvania

Court Admissions

- U.S. District Court for the Western District of Pennsylvania
- Supreme Court of Pennsylvania

Education

- J.D., Dickinson School of Law of the Pennsylvania State University, 2016
- B.A., Saint Francis University, 2013, *magna cum laude*

Writing/Speaking

- Roundtable leader, ICSC OKIMP Retail Development & Law Symposium, Columbus, Ohio, “Charting Into the Future: Shocking EV Battery Issues” March 1, 2024.
- “New Rental Property Requirements and What They Mean for Residential Landlords in Pittsburgh,” MUS Client Alert, October 18, 2023.
- “Property Owners, Builders Should be Plugging in Plans for Electric Vehicles,” *Developing Pittsburgh*, Spring 2023.
- Presenter, “Commercial Lease Negotiations in the Wake of the Pandemic,” ACBA CLE, May 9, 2023.
- “Real Estate Advisory: Realty Transfer Taxes: What to Know and How to Minimize Their Impact” MUS Blog, August 18, 2022.

