



## J. Marcus Painter

Partner

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### PRACTICES

Real Estate Development and Finance  
 Banking and Financial Institutions  
 Commercial and Industrial 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  
 Distressed Assets

### 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

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

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

"SBA Guidance Clarifies PPP Certification Concerning Necessity of Loan," *Holland & Hart News Update*, Co-Author, 05/13/2020

"Landlord! Before You Amend That Commercial Lease, Things to Consider," *Holland & Hart News Update*, Co-Author, 04/09/2020

## SPEAKING ENGAGEMENTS

"Commercial Leasing in Colorado," *Colorado Bar Association CLE*, 01/16/2020

"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

## RECOGNITION

- *The Best Lawyers in America*®, Real Estate Law, 2009-2021
- Colorado Super Lawyers®, Real Estate, 2008-2021
- 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