



Real Estate

Since the firm's founding in 1836, Kelley Drye's real estate practice has handled complex and sophisticated real estate transactions throughout the United States.

About

Kelley Drye has a long history of representing clients on a broad spectrum of real estate projects. We are a trusted partner to some of the biggest real estate lenders, developers, owners, and market participants in the world. With a balanced approach that offers deep experience to real estate owners, borrowers and lenders, real estate law is at the heart of what we do.

Nationally ranked among the top real estate law firms

- *U.S. News Best Law Firms*

A Go-To Real Estate Finance Firm for Institutional Lenders

Our real estate team has a broad institutional client base of insurance companies, private equity funds, CMBS/CLO lenders, commercial banks, investment banks, and commercial real estate loan servicers.

From stand-alone financings of trophy assets in major U.S. cities to construction and development financings and multi-property portfolio financings of properties across the United States, our real estate finance team offers practical, sophisticated, and insightful legal services.

[Read More about our Real Estate Finance Work](#)

Wide-ranging Real Estate Transactions Experience

We represent major financial institutions and other investors and owners in connection with the acquisition, disposition, joint venture, development, and leasing of all types of real estate across the United States, including office buildings, apartment complexes, hotels and resorts, hospitals, shopping centers, and industrial complexes.

[Read More about our Real Estate Transactions Work](#)

Thoughtful Approach to Lease Review and Negotiations

Kelley Drye's Leasing Team advises developers, tenants, landlords and companies across all industries (including financial services and technology companies) in connection with commercial leasing for an array of asset classes. From office, to retail, to flex (i.e., office plus industrial in same space), to medical property leasing, our attorneys offer a thoughtful and practical approach to lease review and negotiations that align to our client's needs.

[Read More about our Real Estate Leasing Work](#)

Cutting-edge Tax Optimization for Your Real Estate Deals

Leveraging experience and insight from our tax group, our real estate team advises syndicators and real estate developers on state-of-the-art, tax-optimized Section 1031 transactions, including structures involving Delaware statutory trusts (DSTs) and tenancies-in-commons (TICs).

We also represent developers on tax-optimized transactions involving leveraged lease structures, “flip partnership” structures, and other structures designed to maximize tax benefits and defer the realization of taxable income (including “phantom income”).

Additionally, we advise clients on tax-efficient ways to restructure debt in debt workouts.

Courtroom-Tested Real Estate Litigators

Kelley Drye’s courtroom-tested trial attorneys advise on a wide range of real estate matters, from single-party claims to multiparty, high-profile cases. Our litigators and real estate attorneys work side-by-side to ensure our clients’ disputes are resolved effectively, efficiently, and in a way that achieves their objectives.

We handle complex real estate litigation, arbitration, and indemnification matters in state, federal, and bankruptcy courts, as well as before arbitral tribunals throughout the United States. When an exercise of remedies becomes necessary, our team handles multi-district foreclosures, restructures, and workouts involving real estate in all asset classes covering a wide range of subjects and issues including mortgage foreclosures, judicial proceedings, and nonjudicial power of sale.

Our real estate dispute work also covers:

- UCC sales of collateral security for mezzanine loans
- Appointment of receivers
- Deeds in lieu of foreclosure
- Analysis of tax consequences of enforcement of remedies to lenders, borrowers, and guarantors
- Distressed-asset dispositions and liquidation
- Lender liability claims
- Challenges to foreclosure proceedings or exercise of power of sale
- Enforcement of payment, completion, and non-recourse carve-out guarantees and indemnities
- Title insurance coverage claims
- Contesting mechanic or materialmen’s liens
- Intercreditor claims of participants, co-lenders, and syndicated lenders
- Environmental claims and litigation

Creditor-focused Bankruptcy and Restructuring Support

With bankruptcy and restructuring attorneys working across the United States, we offer comprehensive support to creditors, purchasers, landlords, and other interested parties in bankruptcy and insolvency proceedings involving real estate lenders, property owners, ground lessors and lessees, and tenants.

We help creditors and debtors take protective measures both pre- and post-petition. We successfully represent clients in restructuring of real estate portfolios, buying and selling real estate assets out of bankruptcy, implementing Section 363 sales, and planning for reorganization and liquidation.

Our work includes:

- Counseling lenders on loans secured by distressed real estate scenarios
- Representing mortgage and mezzanine lenders in connection with bankrupt borrowers, guarantors, and tenants
- Representing unsecured creditor committees in retail bankruptcy cases
- Representing landlords, managing agents, shopping center owners, receivers, and trustees in retailer tenant bankruptcies throughout the United States
- Working with all types of security instruments, as well as creditors' arrangements and receiverships, in bankruptcy, insolvency, and asset realization and recovery proceedings
- Counseling participants, co-lenders, and syndicated lenders in the bankruptcy of a lender party to their intercreditor arrangement
- Internal investigations related to mortgage warehouse facilities, repurchase agreements, and other arrangements

Related Services

Real Estate Finance

Real Estate Transactions

Delaware Statutory Trusts (DSTs)

Contacts

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