

Derek J. Markle

Associate

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Derek offers tailored guidance to his clients at every juncture of real estate and lending transactions, from strategic advice on transaction structuring, to skillful negotiation of transaction documents. He advises on the financing, acquisition and disposition of real property, including construction projects and represents both landlords and tenants in leasing matters across diverse real estate ventures including retail properties, industrial and office complexes, residential developments, and other mixed-use projects. Serving as a trusted advisor to lending institutions and borrowers, Derek adeptly helps clients navigate a broad spectrum of financial transactions, from cash flow and asset-based lending to real estate acquisition, construction loan financing, and specialized Low-Income Housing Tax Credit (LIHTC) financings, helping his clients navigate each transaction with precision and expertise.

In his lending practice, Derek provides comprehensive counsel to clients on various aspects of financial transactions, including transaction structuring, documentation, and negotiation of loan documents, intercreditor and participation agreements, and related lending matters. His representation extends to workout and debt restructuring arrangements for non-performing loans, including foreclosure and bankruptcy proceedings. Derek also represents financial institutions in equipment financing transactions, including negotiation and documentation of syndications and other lease-related financing matters.

As a licensed real estate title agent, Derek guides clients through the complexities of title related issues and risk assessment, 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

- Included in Best Lawyers of America® 2023 and 2024 Ones to Watch list for Real Estate
- Selected to the list of Rising Stars by Super Lawyers® in 2023 and 2024 for Real Estate
- 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.

