EMMET
EMMET, MARVIN & MARTIN, LLP

David G. Moss

NEW YORK OFFICE

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EDUCATION

The George Washington University Law School, J.D., 1999

Albion College, B.A., cum laude, 1996

PRACTICES & INDUSTRIES

Real Estate Finance

Real Property Leasing and Facilities Management

ADMISSIONS

New York

PROFESSIONAL ACTIVITIES

Emmet, Marvin & Martin, LLP
Partner, 2026-Present

Duane Morris LLP
Partner, 2022-2026

Meister Seelig & Fein LLP
Partner, 2005-2022

David G. Moss practices in the area of real estate law. Mr. Moss has extensive experience in mortgage and mezzanine lending, acquisitions and dispositions, real estate development and restructuring of distressed real estate loans, transactions and loan sales. Mr. Moss routinely represents lenders, developers, investors, landlords and tenants in a wide variety of commercial real estate transactions including joint ventures and workouts, as well as disputes and litigation-related matters.

Representative Matters

Lending and Private Equity Investment

- Represented institutional lender in $80 million healthcare finance loan secured by skilled nursing facilities in New York, Rhode Island and Vermont.
- Represented institutional lender in origination of $60 million construction loan.
- Represented debt fund in connection with $5 million mezzanine loan and negotiation of intercreditor agreement.
- Represented a subsidiary of SME Capital Ventures LLC, a private bridge lender, in its upsizing of an existing junior mezzanine loan, as part of a larger construction facility with a leading mortgage and senior mezzanine lender, to develop a 60,000 square foot ,19-story luxury residential condominium in New York City.
- Represented preferred equity investor in the deployment of a $5 million investment for a transitional real estate project in New York, New York.
- Represented debt fund in connection with $19 million preferred equity investment in a large development in Long Island City, New York.
- Represented private lender in connection with $30 million acquisition and construction financing in New York City.
- Represented hedge fund in connection with origination of $25 million bridge loan.
- Represented lender in connection with origination of $11.5 million acquisition financing.
- Represented foreign lender in connection with $8 million subordinate financing.

Acquisition, Finance and Development

- Represented Evenhar Development Corporation in its development of a 190,000 square foot three-property assemblage in Harlem, New York.
- Represented a joint venture of Evenhar Development Corp and LTNG in connection with a 75,000 square foot mixed -use commercial and residential condominium development in midtown Manhattan, formed through a combination of a ground lease and fee title assemblage of

McDermott Will & Emery LLP
Associate, 2003-2005

Solomon & Weinberg LLP
Associate, 2000-2003

Quoted, “Co-GP Structures Help Real Estate Sponsors Navigate a Choppy Investment Market,” WealthManagement.com, October 3, 2022

Selected Speaking Engagements
Moderator, Distressed Real Estate Investing Panel, iGlobal, Fall 2024

properties, with fee and ground lease financing from Tilden Park and Fort Amsterdam, as a precursor to a $40 million construction loan.

- Represented developer in co-general partner and limited partner investment structures for a $60 million fee and ground lease development project in New York, New York.
- Represented REIT in connection with $240 million acquisition of office building and fee and leasehold debt.
- Represented developer in connection with $120 million tax-structured disposition of boutique hotel in New York City.
- Represented developer in ground lease development project.
- Represented syndicate in $93 million acquisition and sale leaseback of office park with mortgage and mezzanine financing.
- Represented motel developer in connection with $127 million portfolio refinance of motels in over fifteen states.
- Represented sponsor in $10 million purchase and financing of Lower East Side mixed-use property.
- Represented developer in connection with $32 million sale of office building with defeasance of underlying mortgage.
- Represented developer in connection with $15 million acquisition of New York City office building as part of an assemblage.
- Represented developer in connection with acquisition and development of New York City site for condominium conversion.

Distressed Real Estate

- Represented real estate investment firm in connection with purchase of five defaulted mortgage loans with $90 million balance.
- Represented investor in purchase of defaulted senior loan with note-on-note financing to gain control of asset in bankruptcy and structured bankruptcy exit with plan providing control of asset free and clear of transfer taxes and mortgage tax.
- Represented a subsidiary of SME Capital Ventures LLC in conducting a UCC foreclosure of a $4 million mezzanine loan where the borrower, a subsidiary of The Pink Stone Capital Group, had gone into default; the collateral consisted of membership interest in three limited liability companies that own a fractured commercial and residential condominium in New York’s Soho neighborhood.
- Represented real estate investment firm in connection with its $32,5 million refinancing of an existing$24.5 million construction loan subject to a forbearance agreement in connection with the completion of an 80,000 square foot development in New York City, including 421-a affordable housing, NYC Fresh Program and community facility components for zoning bonuses.
- Represented lender in workout and restructure of subordinate construction loan with senior lender and borrower.