

Daniel S. Huffenus

Partner

Charlotte Office

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Practices

FOCUS: Real Estate

Commercial Mortgage-Backed Securities

Real Estate Finance and Lending

Real Estate Acquisitions, Dispositions and Joint Ventures

Real Estate Development

Private Equity and Real Estate Fund Formation

Structured Finance and Securitization

UK Real Estate

Education

JD, New York University School of Law

MS, Columbia University

BA, Lafayette College

The London School of Economics and Political Science

Bar Admissions

New York

North Carolina

Community Involvements

Mecklenburg County Bar

North Carolina Bar Association

For more than 25 years, Daniel Huffenus has represented sophisticated real estate capital markets lenders in the origination of commercial mortgage loans. Active since the early days of CMBS lending, he is particularly knowledgeable in issues related to securitized lending, including the origination, servicing and defeasance of CMBS loans. Borrower and lenders also look to Dan for creative advice with respect to the modification and workout of troubled real estate loans.

Experienced in a variety of loan structures

CMBS clients often rely on Dan to handle esoteric structures, including loans to Delaware Statutory Trusts. He also has significant experience in balance sheet loans, bridge loans secured by transitional properties, mezzanine loans and construction loans. Dan's lender clients often turn to him for assistance with routine servicing matters, as well with modifying and restructuring distressed loans.

In addition to his finance practice, Dan represents owners and developers of real estate in acquisitions, financing and property dispositions. In *Chambers USA 2019*, in response to a survey on North Carolina real estate, one of Dan's clients described him as a "very good negotiator" and "responsive and driven."

Before practicing law, Dan worked in New York as a consultant at a national real estate consulting practice where he helped clients analyze real estate debt and equity investments. He is a Registered Foreign Lawyer and a non-practicing partner in Katten Muchin Rosenman UK LLP.

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"Daniel Huffenus is widely acknowledged as a leading practitioner in the Charlotte real estate finance market."

*- Chambers USA 2018
(North Carolina, Real Estate: Finance) survey response*

Representative Experience

- Represented a lender in the restructuring and amendment of a \$42 million redevelopment loan secured by an oceanfront condominium in south Florida. Developer was derailed when existing unit owners tied up the project in litigation for over two years. After several short-term extensions of the maturity date, currently negotiating a multi-year extension and modification.
- Represented an international bank as lender and administrative agent on an \$82 million loan secured by a portfolio of seven shopping centers owned by a JV between two large financial institutions. Complicated transaction secured by six shopping centers and the equity in a seventh center, all on a cross-collateralized basis.
- Represented borrower and related parties in connection with the workout of a defaulted mortgage loan on a limited-service hotel owned by highly structured tenants-in-common, which involved CMBS special servicing maze to reform the loan and restore it to performing status.
- Represented a borrower client in connection with the unsuccessful workout of an office park development encumbered by an approximately \$50 million first mortgage and \$50 million mezzanine loan. Negotiated several forbearances and loan amendments with mezzanine lender but ultimately forfeited the equity pursuant to an uncontested UCC sale.
- Represented development company borrower in restructuring preferred equity and mortgage debt during real estate market turmoil.
- Represented lender in connection with modification of mortgage loan maturity default where a portion of the collateral was comprised of a ground lease estate with a near-term expiration.

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Recognitions

Recognized or listed in the following:

- *Best Lawyers in America*
 - Real Estate Law, 2007–2023
- *Chambers USA*
 - Real Estate: Finance, 2009–2022
- *Super Lawyers*
 - North Carolina, 2006–2017
- *The Legal 500 United States*
 - Recommended Attorney, 2016, 2017, 2019

News

- Katten Attorneys Recognized by *Best Lawyers*® (August 18, 2022)
- Katten Ranked Leading Law Firm by *Chambers USA* 2022 (June 1, 2022)
- *Charlotte Business Journal* Highlights Katten's Co-Hosted Commercial Real Estate Event (April 1, 2022)
- Katten, Cushman & Wakefield Mark 15th Annual Outlook on the Commercial Real Estate Market (March 22, 2022)
- Katten Attorneys Listed in *The Best Lawyers in America*® (August 19, 2021)
- Katten Boosts Rankings in *Chambers USA* 2021 (May 20, 2021)
- Dan Huffenus Talks to *Charlotte Business Journal* on Handling Commercial Mortgage-Backed Security Loans in Default (April 15, 2021)

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- Katten Discusses Outlook of Commercial Real Estate Industry in Annual Outlook on Commercial Real Estate Market Event (January 29, 2021)
- Katten, Cushman & Wakefield to Hold 14th Annual Outlook on the Commercial Real Estate Market (January 26, 2021)
- Karen Nelson Featured in *Charlotte Business Journal* as New Head of Katten's Charlotte Office (January 19, 2021)
- Katten Taps Karen Nelson to Lead Charlotte Office (January 15, 2021)
- Katten Attorneys Distinguished as Top Legal Talent in the 2021 *Best Lawyers in America* and *Best Lawyers: Ones to Watch* Lists (August 20, 2020)
- Katten Rated Top Law Firm by *Chambers USA 2020* (April 23, 2020)
- Dan Huffenus Talks to *Charlotte Business Journal* on COVID-19 Impact for Tenants, Landlords and Enacting Force Majeure (April 1, 2020)
- Daniel Huffenus Discusses Opportunity Zones With the *Charlotte Business Journal* (February 11, 2020)
- Katten co-sponsors 13th Annual Outlook on the Commercial Real Estate Market (January 14, 2020)
- Katten, Cushman & Wakefield to Host 13th Annual Outlook on the Commercial Real Estate Market (January 8, 2020)
- Katten Praised in The Legal 500 United States 2019 Guide (June 11, 2019)
- Katten Lauded Top Ranked Law Firm by *Chambers USA 2019* (April 25, 2019)
- Daniel Huffenus Quoted on Success of 12th Annual Outlook on the Commercial Real Estate Market Event (January 16, 2019)
- Katten, Cushman & Wakefield to Host Industry Veterans at 12th Annual Outlook on the Commercial Real Estate Market (January 7, 2019)
- Katten Rated as Leading Law Firm by *Chambers USA 2018* (May 3, 2018)

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- Dan Huffenus Moderates 11th Annual Outlook on the Commercial Real Estate Market (January 31, 2018)
- Katten, Cushman & Wakefield Announce Panelists for 2018 Outlook on the Commercial Real Estate Market (January 8, 2018)
- Katten Distinguished by *The Legal 500 United States* 2017 (May 31, 2017)
- Katten Recognized as Leading Law Firm by *Chambers USA* 2017 (May 30, 2017)
- Katten Attorneys Recognized in 2017 North Carolina *Super Lawyers*, Rising Stars Lists (January 20, 2017)
- Dan Huffenus Moderates 10th Annual Outlook on the Commercial Real Estate Market (January 13, 2017)
- GreerWalker, Katten To Host 2017 Outlook on the Commercial Real Estate Market (January 5, 2017)
- 79 Katten Attorneys Selected for *Best Lawyers in America*® 2017 (August 15, 2016)
- Eighteen Katten Practices and 70 Attorneys Recognized by *The Legal 500 United States* 2016 (June 17, 2016)
- *Chambers USA* 2016 Distinguishes 22 Katten Practices and 50 Attorneys (May 27, 2016)
- Katten's Charlotte Managing Partner Daniel Huffenus Recognized in 2016 North Carolina *Super Lawyers* List (January 22, 2016)
- 91 Katten Attorneys Recognized in *Best Lawyers in America*® 2016 (August 17, 2015)
- Katten Attains 22 Practice and 58 Attorney Rankings by *Chambers USA* 2015 (May 20, 2015)
- Katten Charlotte Managing Partner Dan Huffenus Named to 2015 North Carolina *Super Lawyers* List (January 21, 2015)
- 85 Katten Attorneys Named to *Best Lawyers in America*® 2015 (August 18, 2014)

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- *Chambers USA* 2014 Distinguishes 24 Katten Practices and 54 Attorneys (May 23, 2014)
- Katten Charlotte Managing Partner Dan Huffenus Named to 2014 North Carolina *Super Lawyers* List (January 17, 2014)
- 83 Katten Attorneys Lauded in *Best Lawyers in America*® 2014 (August 15, 2013)
- *Chambers USA* 2013 Recognizes 24 Katten Practices and 49 Attorneys (May 24, 2013)
- Katten Charlotte Managing Partner Daniel Huffenus Recognized in 2013 North Carolina *Super Lawyers* List (January 18, 2013)
- *Chambers USA* 2012 Distinguishes 19 Katten Practices and 45 Attorneys (June 7, 2012)

Publications

- Commercial Real Estate in Charlotte: Takeaways From the Sun Belt City's Hot Market (May 13, 2022)
- Delaware Bankruptcy Court Dismisses Chapter 11 Petition of Mezzanine Borrower as Filed in Bad Faith (January 24, 2012)
- IRS and Treasury Issue Guidance for Modification of Securitized Commercial Mortgages (September 22, 2009)
- GGP Opinion Leaves Unanswered Questions (August 28, 2009)
- The GGP Case—What It Means for Lenders (June 3, 2009)
- Federal Reserve Adds Legacy CMBS to TALF (May 20, 2009)
- Expansion of TARP to Newly Issued CMBS Creates Opportunities for TARP Investors, Commercial Mortgage Lenders and Property Owners (May 4, 2009)
- Treasury Unveils Public-Private Investment Program for Legacy Assets (March 26, 2009)

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- Proposed Addition of CMBS to TALF May Create Opportunities for Commercial Mortgage Loan Originators, Servicers, Borrowers and Investors (March 12, 2009)
- Implications of the Lehman Bankruptcy Entities on Multi-Lender Financings (September 2008)

Presentations and Events

- 14th Annual Outlook on the Commercial Real Estate Market (January 27, 2021) | *Moderator*
- 13th Annual Outlook on the Commercial Real Estate Market (January 9, 2020) | *Moderator*
- 11th Annual Outlook on the Commercial Real Estate Market (January 11, 2018) | *Moderator*
- Tenth Annual Outlook on the Commercial Real Estate Market (January 12, 2017) | *Moderator*
- Commercial Real Estate Financing 2012: Getting Back to Business (March 22–23, 2012) | *Presenter* | *Securitization Today*
- Commercial Real Estate Financing 2011 (March 24–25, 2011) | *Speaker* | *CMBS in a New World*
- InterFace Carolinas (April 29, 2010) | *Panelist* | *Re-financings, Foreclosures, Special Servicers, Bank Failures and Investment Funds - An Update on the "Distressed" Landscape*
- Commercial Real Estate Financing 2010: How to Handle Defaults, Distress, Maturities, and Stacks of Debt (March 25–26, 2010) | *Speaker* | *Judicial Responses to SPE Structures*
- Commercial Real Estate Financing 2010: How to Handle Defaults, Distress, Maturities, and Stacks of Debt (March 4–5, 2010) | *Speaker* | *Judicial Responses to SPE Structures*

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- Third Annual Outlook on the Commercial Real Estate Market (January 20, 2010) | *Moderator*
- Valuation and Acquisition Strategies in a Distressed Market (May 18–19, 2009) | *Speaker*
- Commercial/Multifamily Servicing and Technology Conference (May 13–16, 2008) | *Panelist* | *The Legal Landscape*
- Real Property Section Annual Meeting (May 2–3, 2008) | *Presenter* | *Real Property Roller Coaster: The Ups of Dealing with a Down Market*
- Real Estate '08: Outlook on the Commercial Real Estate Market (January 29, 2008) | *Presenter*