



**Frederick L. Klein**

**Partner**

**CO-LOCATION HEAD, WASHINGTON, DC REAL ESTATE PRACTICE**

frederick.klein@dlapiper.com

**Washington, DC**

T: +1 202 799 4101

F: +1 202 799 5101

M: +1 202 494 1200

Fred Klein helps real estate and finance clients solve problems, structure and close complex real estate transactions and manage risk.

Fred represents offshore, local and national developers and investors, and construction and permanent lenders (including life insurers) on transactions, development projects, and real estate finance.

His clients include owners, operators and developers of office, multifamily, retail, hotels, manufactured housing and student housing in major markets and in more than 30 states. Fred has advised numerous clients on the purchase and sale of distressed debt, and has extensive experience representing borrowers and lenders on loan workouts and disputes. He has also recently assisted several clients in connection with the restructuring of ground leases, and has drafted and negotiated numerous ground leases during the past 30 years. Some of these clients are families that have owned income producing property for several generations, and in those cases, Fred helped either to restructure or reposition the assets, or advise on sales strategies.

Fred has represented:

- Borrowers and lenders in workouts and restructurings involving complex loan structures
- Purchasers and sellers of distressed debt
- Landowners, developers and lenders in ground lease and air rights transactions (including ground lease disputes and restructurings), in the District of Columbia and elsewhere
- German, Dutch, Italian, Swiss and Japanese investors in both debt and equity transactions
- Public entities on real estate investments and transactions, and large corporate occupiers

- Real Estate
- Corporate
- Finance
- Real Estate Finance
- Mergers and Acquisitions
- Real Estate Development and Planning
- Insurance and Reinsurance Disputes

- Insurance
- Real Estate

- Real Estate Finance – Borrowers: Major owners of government and private sector leased office buildings on more than 50

construction and permanent loans. Clients have included off shore investors and national REITs, and other operators

- Real estate Finance – Lenders: Life insurance companies and banks on construction and permanent loans in more than 20 states. Fred serves as primary counsel in the mid Atlantic region to a bank that has recently made more than US\$2 billion in mortgage loans
- Distressed Debt/Workouts – Fred regularly represents banks and borrowers on distressed loans and investors who have purchased distressed debt, including mortgage and mezzanine debt
- Purchase and Sale – Fred represents purchasers and sellers of large assets (office, multi family, retail, student housing, hotels and other property types), and recently represented the owner of a 1.4 million square foot office building in Washington, DC, in a highly structured sale to institutional investors. Clients include off shore investors (including several prominent German open-end funds), public REITs, private equity funds and hedge funds. Many of these transactions involve properties that are leased to the United States Government, and where needed, Fred advises clients on the unique legal and procedural issues associated with the transfer of these properties. The tenants in several of these transactions operated highly secure facilities
- Equity Investments – Fred represents several investment funds (including a fund whose investors are primarily labor unions) on joint ventures for the development and acquisition of office, multi-family, condominium, student housing and other investments
- Development – Fred has structured complex ground leases, air rights developments and mixed use projects during his entire career. He has also been involved in disputes involving ground leases, and has assisted several clients in connection with the restructuring of ground leases
- Corporate Occupiers – Fred represents corporate users and occupiers, both on transactions and in connection with their ongoing operations

## CREDENTIALS

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### Admissions

- District of Columbia

### Clerk Experience

- Law clerk for the US Court of Appeals for the Fifth Circuit

### Recognitions

*Chambers USA* has selected Fred as one of America's leading real estate lawyers. Clients have said they "feel well represented by him," have praised his "smart and even-tempered approach," and described him as someone "who knows how to get the deal done while being caring and efficient." "Clients can rely on him not only for his legal acumen, but also for his extraordinary business sense." "He regularly handles complex transactional real estate matters for his clients, one of whom appreciates his 'level of experience, raw intellect and transactional sophistication.'" Sources told *Chambers & Partners* that he is "among the most well regarded transactional attorneys in the DC area." One client commented that he is "one of my go-to people if I have a sticky questions." "Clients say they 'don't know of a more connected lawyer than him,' describing him as 'responsive, hard-working and savvy.'" A "[t]ireless, excellent lawyer," Fred is "a wonderful guy" who "is considered by peers to be 'a deal-oriented lawyer.'"

### Education

- J.D., University of Miami 1979  
*cum laude*  
Articles and Comments Editor, *University of Miami Law Review* (1978 – 1979)
- A.B., Duke University 1976

### Courts

- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Fifth Circuit

## Memberships

- Fellow, American College of Real Estate Lawyers
- Fellow, American College of Mortgage Attorneys
- Member, AFIRE (Association of Foreign Investors in Real Estate), and former General Counsel
- Member, Board of Regents of Mercersburg Academy
- Member, Board of Directors of The National Theatre
- Member, Board of Directors of Children's Law Center
- Member, Board of Directors of Urban Ecosystem Restorations, Inc.

## Teaching Experience

- Guest lecturer, Georgetown School of Continuing Studies, 2018 - 2019
- Guest lecturer, University of Miami School of Law, 2018
- Guest lecturer, Georgetown University, McDonough School of Business, 2006 – 2013
- Guest lecturer, Massachusetts Institute of Technology Center for Real Estate, 2005 – 2009

## INSIGHTS

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## Publications

### Icons of DC Area Real Estate

3 March 2021

Jay Epstein and Frederick Klein are featured on the latest episode of the "Icons of DC Area Real Estate" podcast.

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- Co-Author, "How COVID-19 Will Transform Real Estate Loan Docs: Part 2," *Law360*, June 16, 2020
- Co-Author, "How COVID-19 Will Transform Real Estate Loan Docs: Part 1," *Law360*, June 15, 2020
- Co-author, "Enforcing Real Estate Agreements in the Court System," appearing in the *Guide To US Real Estate Investing (Third Edition)*, published by the Association of Foreign Investors in Real Estate, Spring 2017
- Co-author, "Foreign Investment in US Real Estate – Now More than Ever," presented at the annual meeting of the American College of Real Estate Lawyers, October 8, 2016, reprinted from ALI CLE's *The Practical Real Estate Lawyer*, January 2017
- Co-author, "By the Way, What About the Post-Closing Credit Enhancement?," *Probate and Property*, American Bar Association, May/June 2016. This article received the ABA Section of Real Property, Trust and Estate Law's Probate & Property magazine's 2016 Excellence in Writing Award as the "Best Practical Use" article
- Co-author, District of Columbia chapter, *The Property Tax Deskbook*, published by the American Bar Association (2015 Edition)
- Co-author, "Uh Oh! Does My Purchase and Sale Agreement Cover These Points," *Real Property, Trust and Estate Law Section*, American Bar Association, 2014

## Events

- Presenter, "European and Middle Eastern Investors and US Real Estate," a virtual town hall meeting for European and Middle Eastern investors interested in the current US investment climate, sponsored by AFIRE (Association of Foreign Investors in Real Estate) (June 23, 2020).
- Presenter, "Purchase and Sale Agreements: Can You Get What You Need?" Maryland Bar 2017 Advanced Real Property Institute (September 28, 2017)

- Presenter, "Did You Really Think You Could Walk Away? When is a Letter of Intent a Binding Contract?," presentation for the American College of Real Estate Lawyers (May 9, 2017)
- Speaker, "Issues for Foreign Investors Seeking US Real Estate," webinar sponsored jointly by the American Bar Association Section of Real Property, Trust & Estate Law and the American College of Real Estate Lawyers (February 1, 2017)
- Presenter, "Foreign Investment in US Real Estate," at the annual meeting of the American College of Real Estate Lawyers, New York City (October 8, 2016)
- Panelist in a webinar, "Reps and Warranties in Purchase and Sale Agreements – You Can't Always Get What you Want, but Can you Get What You Need?" co-sponsored by the ABA Section of Real Property, Trust & Estate Law and the American College of Real Estate Lawyers (July 13, 2016)
- Presenter, "Real Estate Purchase and Sale Agreements: Don't Forget to Cover These Points," The ABA Section of Real Property, Trust & Estate Law (June 3, 2015)
- Presenter, "Current Issues in Purchase Agreements," American College of Real Estate Lawyers, Vancouver, BC (October 25, 2013)
- Panelist, "Transactional Lawyering: Theory, Practice and Pedagogy," American University, Washington College of Law, Washington, DC (April 5, 2013)
- Moderator, "Distressed Real Estate Investments," DLA Piper Global Real Estate Conference, Tel Aviv, Israel (February 4, 2013)

## NEWS

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## MEDIA MENTIONS

- "Hangin' With Mr. Klein," *Real Estate Bisnow (DC)*, February 6, 2013

## PRO BONO

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Fred has represented the Capital Area Food Bank, Martha's Table, the Susan G. Komen Breast Cancer Foundation, the Fishing School, the International Graduate University (IGU) and other entities in connection with pro bono matters.