



E. Duffy Myrtetus
Partner

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Duffy is a partner in the firm's Richmond office. His practice is focused in transactional and litigation matters related to the purchase, sale, lease, financing and development of real estate, and related mortgage/secured financings. He represents developers, real estate investment trusts, institutional lenders and investors, conduit lenders, purchasers, sellers, and mortgage lenders/servicers in a variety of matters including real estate financing, commercial leasing transactions, commercial and residential closings, tax credit financings, public-private partnerships, mortgage foreclosures, loan forbearance/workouts, zoning, land use and planning matters, and other areas.

Transactional matters include: formation and representation of development entities, including capitalization, financing, development; managing the legal process for land acquisition, financing and sale of Class A suburban office, mid-rise office/apartment and condominium projects; documenting construction/perm loans and revolving credit facilities for commercial real estate lenders/transactions; structuring joint ventures for retail, multifamily and mixed use projects; negotiating all aspects of commercial leases and anchor tenant retail leases; counseling landlords and tenants on office and industrial projects; preparing build-to-suit contracts and leases for commercial development facilities; drafting owner-architect and owner-contractor agreements, project management, construction management, and A/E agreements; creating architectural controls, restrictive covenants and marketing programs for residential and commercial developments; and, representing lenders in all aspects of loan administration, including forbearance, workouts, foreclosures, forfeitures, receiverships, borrower insolvency proceedings, etc. Commercial litigation matters include: construction disputes, mechanic's lien litigation, nuisance, condemnation, forfeiture proceedings, fraudulent conveyances, quiet title, boundary line disputes, partition, and related real estate related claims; representation of secured creditors in bankruptcy adversary proceedings, foreclosures, receiverships, and related claims; represent national title underwriters in title claim litigation and claim resolution in Virginia and Florida; estate and trust administration, ancillary administration and fiduciary claim litigation; and, voluntary and involuntary dissolution proceedings, derivative claims, shareholder/member disputes and related litigation.

practice areas

- Bankruptcy, Creditors' Rights & Business Restructuring
- Real Estate Strategies
- Litigation

representative matters

- Represented a national developer as Operator in the first state level public-private partnership project in Virginia under the Virginia Public Private Educational and Infrastructure Act (\$42.10m)
- Represented national developer as Project Manager in all aspects of a \$187m new construction project for expansion of the School of Business and School of Engineering at state university
- Acted as Virginia counsel for multi-state parties in complex REIT restructuring, loan assignments, zoning matters and \$786m office building acquisitions in Arlington, VA
- Assisted non-stock corporation as university Foundation for state university in all aspects of the acquisition, planning, financing, and development for a +\$30m student housing project, condominium units and related facilities, including tax exempt bond financing and bond refinancing
- Represented national lender in +\$50m of foreclosures litigation, receiverships and loan workouts throughout state of Florida from Jacksonville to Florida Keys
- Represented college Foundation in a \$30m public-private partnership involving all aspects of the planning, design, development, financing and construction of new student housing facilities on state owned property, using tax exempt bond financing
- Represented investors and developer in the acquisition, corporate structuring/formation, securities matters, equity financing and development of 248,750 square feet of commercial office space in three (3) Class A office buildings located at Virginia Center
- Represented developer in the planning, re-zoning, and land use matters, relating to a ±320 acre project, consisting of single family, multi-family and commercial mixed uses located in King William County, including all administrative filings and hearings before the Planning Commission and Board of Supervisors, and the negotiation and County approval of public utility agreements, etc.

recognition and honors

- Top Forty Under Forty; *Virginia Magazine*, 2002
- Virginia's Legal Elite; *Virginia Business Magazine*, 2004, 2008-2011
- AV® Rated; Martindale-Hubbell

associations

- Virginia Bar Association; Real Estate Section; Litigation Section
- Florida Bar Association; Real Property Trust and Probate Section; Out-of-State Practitioner's Division, Executive Council, 1996–present; President 2001–2002; Council of Sections, 2000–present, Executive Council, 2005–2010, President 2009-2010
- Richmond Bar Association; Real Estate Section; Bankruptcy Section; General Practice Section
- Virginia Land Title Association
- American Land Title Association
- Greater Richmond Association of Commercial Real Estate (GRACRE)
- University of Richmond College Alumni Board; Board of Directors, 1998–2002, Treasurer 2001–2002
- University of Richmond Lake Society
- University of Richmond Spider Club
- Longwood University Real Estate Foundation; Board of Directors, 2004–present

admissions

- Virginia State Courts
- Florida State Courts
- United States Supreme Court

education

- University of Richmond; B.S., 1985
- St. Thomas University School of Law; J.D., 1988

press and publication

- 53 Kaufman & Canoles Attorneys Named Virginia Business Magazine's Legal Elite 2011
- 39 Kaufman & Canoles Attorneys Named Virginia Business Magazine's "Legal Elite" 2010
- 39 K&C Attorneys Named *Virginia Business Magazine's* Legal Elite 2009
- 36 Kaufman & Canoles Attorneys Named *Virginia Business Magazine's* Legal Elite 2008
- 31 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine's* Legal Elite
- "In God We Trust" – Revisited: Issues in Land Use Regulation Under The Religious Land Use and Institutionalized Persons Act ("RLUIPA," 42 USC §§2000cc, et seq.)
- "Revenge of the Dirt Lawyers" – A Summary of Remedies and Judicial Tools for the Real Estate Practitioner & Litigator