



John F. Faber, Jr.

Partner

Virginia Beach, VA

P: 757.282.5051

F: 757.473.0395

jfaber@williamsmullen.com



Through over 27 years of representing lenders and borrowers, owners and developers, landlords and tenants, and creditors and debtors, John Faber has developed an expansive finance and real estate practice. John has guided clients ranging from national banks to real estate developers to owner/operators to individual homeowners and real estate brokers through every phase in the life cycle of both financing and real estate transactions. He regularly helps clients navigate the processes of land use approvals and permitting, due diligence investigations, property acquisition and sale, financing (whether secured by real estate or other assets), closing and distribution of funds, construction and leasing.

John also represents lenders and borrowers in workouts or restructurings of nonperforming loans, and acts as foreclosure trustee on commercial projects that cannot be restructured or worked out.

Attorneys outside of Virginia often seek John out as local counsel in their Virginia matters, and litigators who need expert testimony in their real estate or finance cases seek him out as well.

John rounds out his experience by acting as counsel to one of the largest associations of REALTORS in the state, giving him the ability to recognize and handle every facet of real estate and finance transactions.

He is listed in *The Best Lawyers in America*® for Real Estate Law (2018-present). John has also been named among Virginia's "Legal Elite" by *Virginia Business* magazine (2015-present) and was named a "Top Lawyer of Coastal Virginia" by *CoVa Biz Magazine* (2020, 2022).

Practice Areas

- Financial Services
- Banking & Finance
- Real Estate
- Real Estate Acquisitions and Sales
- Real Estate Development
- Restructuring & Bankruptcy
- Consumer Finance

Experience

Commercial Real Estate Finance

- Represented the lead lender in a participated \$77 million loan for the renovation of a hotel listed in the National Register of Historic Places and the development of the surrounding residential neighborhood, including utilization of tourism development gap financing and historical tax credits.
- Represented the lender in the financing for the ongoing (12+ years) development of an award-winning residential subdivision located on the Chesapeake Bay in Norfolk, Virginia, including securing multiple loans with property owned by the Norfolk Redevelopment and Housing Authority.
- Represented a borrower purchasing a multi-story office building in downtown Norfolk, Virginia in the assumption and modification of the existing commercial mortgage-backed securities loan financing the building, including negotiation of modifications with the primary servicer and special servicer for the CMBS loan.

Commercial Real Estate Acquisition, Sale and Development

- Represented a physician in the acquisition of a medical office building in Chesapeake, Virginia, including analysis of whether the leases in the purchase complied with the Stark Act.
- Represented a North Carolina developer in a build-to-suit and sale of a 30,000 square foot retail building in Chesterfield County, Virginia to a national retailer based in Arizona, including the relocation of easements located in the building envelope.
- Represented the owners of a family farm in Chesapeake, Virginia in the negotiation and documentation of an option to purchase the farm granted to a residential subdivision developer based in Richmond, Virginia.
- Represented the purchaser in the acquisition, renovation and expansion of a 21,000 square foot gymnastics training facility in Chesapeake, Virginia, including the related purchase money and renovation loan.

Commercial Real Estate Leasing

- Represented a regional bank in the real estate aspects of its merger with another regional bank, including analysis of and recommendations for multiple branches, offices and other space leased by the acquired entity.
- Represented a global real estate investment company in the eviction of a law firm from one of the office towers owned by the company.
- Represented an international entertainment company based in Burbank, California in the sale and leaseback of an office building in Virginia Beach, Virginia.

Virginia Counsel for Out-of-State Attorneys

- Acted as Virginia counsel to a Maryland hotel developer and operator with interests throughout the Mid-Atlantic in the acquisition of a hotel on the Virginia Beach oceanfront, including obtaining off-site parking to comply with the City of Virginia Beach zoning regulations.
- Acted as Virginia counsel to a California owner in connection with a \$115 million refinancing loan for a portfolio of mobile home parks in eight states, including the preparation of real estate tax exemption affidavits accepted by clerks in eight different Virginia recording offices, saving tens of thousands of dollars in recordation taxes.

Land Use, Zoning and Administrative Proceedings

- Appearing before the Board of Zoning Appeals of the City of Virginia Beach, sought reversal of a decision by the city's Zoning Administrator that would have permitted the establishment of a dredge spoil transfer station in a residential neighborhood, on behalf of homeowners who would have been heavily impacted by the transfer station.
- Represented a religious diocese based in Richmond, Virginia in rezoning property in Virginia Beach for a 134 unit independent living facility for low-income seniors.

Litigation and Expert Witness

- On behalf of the purchaser in a contract rescission suit, testified as an expert witness on the difference between easements and restrictive covenants in the residential real estate context
- Testified as an expert witness as to title matters and the reasonableness of legal fees in a partition suit involving property in Virginia Beach, Virginia.

Substitute Trustee

- Acted as trustee in the foreclosure and sale of two hotels on the same parcel in Norfolk, Virginia with an assessed value of approximately \$19 million.
- Acted as foreclosure trustee in the sale of an apartment complex in Richmond, Virginia, including the resolution of a utilities lien in excess of \$100,000 filed by the Utilities Comptroller of the City of Richmond.

Real Estate Brokerage

- Outside general counsel to one of the largest associations of REALTORS in Virginia (with approximately 3,900 members), including regular interaction with association executives and board of directors on matters ranging from formation and management of ancillary businesses, to facilities leasing, to REALTOR education, arbitration and disciplinary procedures.

Education

- William & Mary Law School (J.D.), 1989
William & Mary Law Review - Board of Editors
- University of Nevada ? Reno (B.A.), 1986

Professional Affiliations

- American Bar Association, Section of Real Property, Probate and Trust Law - Member
- Virginia State Bar, Real Property Section - Member
- Hampton Roads REALTORS Association - Affiliate Member
- Virginia Association of REALTORS Lawyers Roundtable - Member

Awards

- *Virginia Business* - ?Legal Elite? (2015-present)
- *The Best Lawyers in America*® - Real Estate Law (2018-present)
- *CoVa Biz Magazine* - "Top Lawyers of Coastal Virginia," (2020, 2022)