



# Daniel R. Weede

SHAREHOLDER

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## Overview

Dan Weede regularly represents real estate lenders, investors, and developers in commercial lending, acquisitions and dispositions, and development transactions, including mixed-use and joint venture projects. In addition, Dan has extensive experience in representing hotel brands, owners, developers, lenders, and managers in all aspects of hotel ownership, management, and financing. He also has substantial experience representing lenders and borrowers in complex real estate problem loan workouts, restructures, and remedy enforcement matters.

Dan's experience includes representing one of the world's largest hotel licensing and operating companies with hotel management agreements and with the acquisition, development, and disposition of hotel properties across North America and the Caribbean.

Dan was selected as a Legal Elite Real Estate Lawyer by *Georgia Trend Magazine* (2012–2018) and included in *The Best Lawyers in America* for Real Estate Law (2013–2018). He is the co-founder and past president of the Atlanta Hospitality Alliance, an approximately 300-member Atlanta-based professional development and networking group that meets quarterly to socialize and discuss hospitality industry trends and developments. Dan is an active member of the Urban Land Institute and is a graduate of ULI's Center for Leadership.

## Experience

### General Matters

- Represented one of the nation's largest retail companies in the entire development life cycle of its real estate investments, including land acquisitions and assemblages, development, permitting and entitlements, restrictive easements and covenants, leasing, and back-end and surplus property sales.
- Represented one of the world's largest hotel licensing and operating companies in structuring hotel management agreements and in the acquisition, development, and disposition of hotel properties across North America and the Caribbean.
- Represented major hotel company in structuring its \$1 billion multiproperty/multiportfolio hotel disposition designed to monetize strategic hotel assets in a tax-efficient manner while retaining nonterminable

management rights to the properties.

- Represented a variety of educational institutions, including the representation of a premier state university in the structuring and development of an on-campus, 40-acre research park.

## **Development**

- Represented foreign investor group in \$80 million development of luxury hotel in Atlanta using EB-5 financing and “key money” in lieu of traditional financing.
- Represented the nation’s largest home improvement retail company in the acquisition and development of more than 25 big-box retail facilities.
- Represented an international synthetic/plastic manufacturing company in preparing a series of complex long-term easements, leases, and management agreements in order to ensure uninterrupted and complimentary operations between dozens of independent operators using a 300-acre industrial complex in Augusta, Georgia.
- Represented a regional investor group in purchasing or developing multiple assisted living facilities across the Southeast.
- Represented full-service, turnkey developer of luxury hotels in drafting development services agreements, technical services agreements, operating agreements, and franchise agreements.
- Represented hotel owner/developer in the development of an approximately \$30 million new Marriott brand along the “ATL SkyTrain” at Hartsfield-Jackson Atlanta International Airport.
- Represented home improvement retail company in the sale of more than 200 outparcels and dark stores in a national excess/surplus real estate disposition program.
- Represented owner in negotiations of a technical services and construction management agreement and related long-term management agreement for a resort hotel in Orange Beach.
- Represented retail company in obtaining \$2 million in economic incentives for a retail store from an Alabama municipality by structuring a sale/lease-back agreement with a repurchase option for retailer’s parking field and detention facilities.
- Represented a hotel brand company in negotiating a long-term hotel management agreement; master declaration of covenants, conditions, and easements; and residential sales, marketing, and licensing agreement for an Atlanta vertical mixed-use development that integrated aspects of hotel, branded residential condos, office, and retail uses.
- Represented developer in securing city sewer and water utilities for a retail development in an unincorporated Georgia community by lobbying state legislators to pass a rare “spot annexation” bill mandating that city utilities be extended through unincorporated portions of the county to service the shopping center.
- Represented major hotel brand in site acquisition, entitlement process, and project development activities for the initial 20 extended-stay hotels in the United States. The work included negotiation of complex easement and restriction agreements to address issues involved with shared amenities and mixed-use restrictions.
- Represented Auburn University in the development and financing of its 40-acre on-campus research park using a complex public-private financing structure.

- Represented a developer in the negotiation of a long-term management agreement, technical services agreement, and related development/easement agreements for an upscale hotel in a mixed-use project in Charleston, South Carolina's historic district.
- Represented a hotel REIT in the negotiation of a development, easement, and maintenance agreement for two approximately \$10 million pedestrian bridges connecting three downtown Atlanta hotels.
- Represented a hotel REIT in negotiations with the residential component homeowners association within a vertical mixed-use condominium high-rise to settle long-running conflict related to property use restrictions and ensure future cooperation between the parties.

### **Purchases and Sales of Improved Properties**

- Represented purchaser in the \$70 million acquisition of the Doubletree by Hilton at SeaWorld in Orlando, Florida.
- Represented special servicer in the sale of more than 200 REO multifamily properties over a three-year period.
- Represented purchaser in a \$32 million acquisition of two adjoining upscale hotels in Winston-Salem, North Carolina, with simultaneous negotiations of off-site convention center management contract and off-site shared parking agreement.
- Represented purchaser in a \$50 million acquisition of the Doubletree Atlanta Downtown from a public hotel REIT with simultaneous negotiations for off-site parking facilities.
- Represented seller in a \$450 million portfolio sale of 13 hotel properties in the United States, Canada, and the Caribbean to monetize strategic hotel assets in a tax-efficient manner while retaining nonterminable management rights to the properties.
- Represented seller in a \$300 million sale of a majority partnership interest to hotel properties with the retention of long-term management rights for luxury hotels in Chicago and Miami.
- Represented seller in a \$50 million sale of a full-service hotel encumbered by a long-term management agreement in Kansas City, Kansas.
- Represented seller in a \$30 million sale and re-flagging of a 500-room luxury hotel in Atlanta.
- Represented seller in a \$26 million sale of a resort hotel on Tybee Island, Georgia.
- Represented owner and brand manager in a complex tri-party portfolio sale of 11 hotel properties with contemporaneous negotiations to terminate existing management agreements and negotiate new long-term management agreements.
- Represented purchaser in a \$10 million acquisition of ground leased upscale hotel in Toledo, Ohio.
- Represented purchaser in a \$20 million acquisition of resort hotel in upstate New York.
- Represented seller in a \$28 million sale of 160-room resort and spa in Santa Fe, New Mexico, including sale of existing liquor license in highly regulated state.
- Represented seller in a \$7 million sale of condo hotel in Telluride, Colorado.

- Represented seller of a \$28 million sale of upscale hotel in Atlanta subject to amending existing hotel management agreement.

### **Management and Operating Agreements**

- Represented the hotel owner/developer in negotiation of “manchise” management and franchise agreement negotiations with brand management company for a luxury hotel adjacent to a major sports stadium in North America. Negotiated “key money” and early termination option for owner whereby owner could terminate the management agreement and keep the franchise.
- Represented a hotel company in structuring its \$1 billion multiproperty/multiportfolio hotel disposition designed to monetize strategic hotel assets in a tax-efficient manner while retaining nonterminable management rights to the properties.
- Represented the owner in the negotiation of a long-term management agreement and related technical services agreement to redevelop and re-flag a large downtown Atlanta hotel with a luxury hotel brand.
- Represented third-party manager in the negotiation of a long-term management agreement and separate food services agreement for an adjoining restaurant facility related to an upscale hotel development in Atlanta.
- Represented seller in the negotiations of a complex early termination and settlement agreement of management agreement and brand licensing agreement and simultaneously negotiated a sale agreement for a 500-room full-service hotel in Atlanta.
- Represented the brand manager in the negotiation of a long-term management agreement for mixed-use hotel, office, retail, and parking complexes in Baltimore.
- Represented a Canadian boutique hotel company in the drafting of its management and acquisition documents for North American hotel acquisitions to address critical issues in U.S. agency and ownership laws.
- Represented third-party manager in the negotiation of a long-term hotel management agreement and food services management agreement for an upscale hotel and banquet facility in Atlanta.

### **Franchise Agreements**

- Represented more than 50 owners in franchise agreement negotiations with all major hotel brands.

### **Sale Leaseback Agreements**

- Represented seller of an industrial facility in “sale-leaseback” monetization transaction wherein seller/tenant received sale proceeds while retaining most property-related risks and obligations.
- Represented the ground lessor in negotiating a long-term “triple net” ground lease of certain commercial condominium parcels within a “condo hotel” in Chicago to an unaffiliated lessee on terms and with operating restrictions designed to mimic a sale agreement and hotel management agreement in order to address certain labor union legal requirements and other tax-driven issues.

### **Real Estate Finance**

- Represented special servicer in negotiating loan assumption, loan workout, joint venture formations, foreclosures, and special servicing issues.

- Represented buyer/borrower in the acquisition and loan closing of an urban full-service hotel including closing the financing, negotiating a new franchise agreement, and negotiating cross-easement agreements with adjoining property owners.
- Represented owner/borrower in “bridge loan” refinancing in order to avoid impending foreclosure sale.

## All Insights

04.07.2020	Hotel Management Agreement: CARES Act Side Agreement
03.25.2020	Loan Restructuring and Forbearance Agreements in the Face of COVID-19 – The Hotel Borrower’s Perspective
03.19.2020	Loan Restructuring and Forbearance Agreements in the Face of COVID-19 – The Lender’s Perspective
03.19.2020	COVID-19: What a Lender Can Do to Prepare for the Inevitable Defaults
03.11.2020	Coronavirus (COVID-19) Issues for Real Estate Owners and Operators
03.06.2020	Hotel Franchise Agreements: What Should Owners Focus On?
05.15.2017	Hotels 201: Legal and Business Issues in the Purchase and Sale of Hotels - What You Don't Know Can Hurt You
03.21.2017	Hotels 101: Legal and Business Issues in Hotel Development and Ownership, a Beginner's Guide
01.23.2017	Post-Election Predictions: What the Hospitality Industry Can Expect in 2017
03.20.2012	Driving Hotel Leadership at the Local Level
06.01.2010	Hotel Investment: What You Don’t Know Can Really Hurt You

## All News

04.15.2020	Carlton Fields’ Daniel Weede Featured in Tampa Bay Business Journal on Restaurateurs Hit Hard by Coronavirus
03.13.2020	Carlton Fields Shareholder Daniel R. Weede Quoted in Media About Real Estate Transactions Amid COVID-19

## Recognition

- Georgia Legal Elite, Real Estate, *Georgia Trend Magazine* (2012–2019)
- *The Best Lawyers in America*, Real Estate Law (2013–2021)
- Georgia Rising Stars, *Atlanta* magazine (2005)

## Professional & Community Involvement

- ULI Center for Leadership, Class of 2013
- Co-Founder and President of Atlanta Hospitality Alliance. Atlanta Hospitality Alliance is an approximate 300-member Atlanta-based professional development and networking group that meets quarterly to socialize and discuss hospitality industry trends and developments .
- President of the Friends of Mountain Way Common. On June 22, 2012, Dan was the subject of an article in the *Fulton County Daily Report* that recognized his pro bono community leadership in the establishment of a new city of Atlanta park (Mountain Way Common) and, in September 2014, Dan recorded an interview that was broadcast on National Public Radio regarding the development of Mountain Way Common.
- Former president and chairman of the board of Nicholas House Inc., an Atlanta area homeless shelter and services provider.

## Speaking Engagements

- "Distressed Opportunities in the Hospitality Sector," Real Estate Private Equity Funds Forum, Information Management Network (December 8, 2020)
- "COVID-19: What a Lender Can Do to Prepare for the Inevitable Defaults," Carlton Fields (March 19, 2020)

## Credentials

### EDUCATION

- University of Florida College of Law (J.D., with honors, 1995)
- Northwestern University (B.A., 1987)

### BAR ADMISSIONS

- Georgia

## Background

- Partner, Alston & Bird, LLP, Atlanta, GA

- Served in the U.S. Navy as a destroyer-based anti-submarine warfare (ASW) officer on the USS Spruance, supervising and training a 25-man division in the operation of the ship's ASW sensors and weapons during Operation Desert Shield and Operation Desert Storm.

## Areas of Focus

### PRACTICES

- Coronavirus
- Development
- Hospitality
- Institutional Investment and Finance
- Investment and Ownership
- Lending

### INDUSTRIES

- Real Estate
- Banking, Commercial, and Consumer Finance

## Other Life Accomplishments

Served as an officer in the US Navy as a Destroyer based Anti-Submarine Warfare (ASW) Officer on the USS Spruance supervising and training a 25-man division in the operation of the ship's ASW sensors and weapons during Operation Desert Shield and Operation Desert Storm.