



John T. Metzger

West Palm Beach Managing Member; Board of Directors; Executive Committee

West Palm Beach

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Practice Focus

- Real estate
- Commercial finance
- Distressed property, workouts, and foreclosures
- Commercial leasing
- Construction
- Business counseling
- Title insurance litigation

John is the Managing Member of the firm's West Palm Beach, Florida office, a member of the firm's Executive Committee and Board of Directors, and a member of the firm's national real estate practice. John has over 30 years of experience assisting clients in complex real estate transactions and business litigation matters, and focuses on providing strategic advice and practical solutions to best meet his client's business needs in a cost effective manner. His clients include developers, lenders, contractors, title insurance companies, real estate professionals, property owners associations, landlords, and purchasers, both institutional and entrepreneurial. John has represented local and national lenders in all aspects of complex mortgage financing. Since 2000, John has been Board Certified as a specialist in Real Estate Law by the Florida Bar and has been practicing real estate law since 1985. Early in his career, John was a shareholder in the Real Estate Practice of the nationally known Greenberg Traurig law firm. Throughout his career, John has also acted as an agent for several national title insurance companies. With experience in several practice areas, John frequently acts as an "outside" General Counsel for his entrepreneurial clients, providing comprehensive management of their many legal challenges. In addition, John acts as an expert witness (both consulting and trial) in real estate related litigation matters.

John earned a J.D. from the University of Pennsylvania in 1985. He received a B.A. (English Writing – Business Co-Majors), summa cum laude, with honors in Creative Writing, from Florida State University; Phi Beta Kappa; National Merit Scholar in 1982.

Representative Cases/Matters

John's lending experience includes:

- Real Estate secured mortgage financing, including land loans, development loans, construction lending, FHLMC multi-family loans, private equity financing, mezzanine financing, permanent financing and distressed lending
- Loan workouts, forbearance arrangements, mortgage foreclosures, deed-in-lieu of foreclosure arrangements, and receiverships

- Lender liability claims
- Non-recourse financing
- Loans to Non-Profit borrowers
- Community Redevelopment Loans
- Asset Based Loans

John's real estate practice also includes:

- Construction Contracts, Construction liens, and Contract Disputes
- Land use, platting, zoning and permitting
- Property Owners' Associations
- Sales Contracts
- Commercial Leasing
- Agricultural Use Classification and Real Estate Tax Appeals
- Title claims

Recent real estate development projects include:

- The Royale (375 unit apartment project with commercial out parcels), Lake Worth, FL
- Atlántico at Palm Aire (240 unit residential apartment project), Pompano Beach, FL
- The Ray (mixed used luxury boutique hotel and retail project), Delray Beach, FL
- Delray Beach Market (mixed use food hall and parking garage project), Delray Beach, FL
- Monarch Station (a 296 unit residential apartment project), Coconut Creek, FL
- Atlántico at Alton (353 unit residential apartment project), Palm Beach Gardens, FL
- The Fitzgerald (300 unit residential apartment project), Tampa, FL
- Cannery Row (90 unit townhome project), Delray Beach, FL
- Valiente Polo Farm (equestrian polo facility), Wellington, FL
- Zacara Farm (equestrian polo facility), Wellington, FL
- Tonkawa Farm (equestrian polo facility), Wellington, FL
- TM Window & Door Factory (industrial manufacturing building), Pompano Beach, FL
- Magnolia Court (urban renewal townhome project), West Palm Beach, FL
- The Equestrian Club (residential and equestrian project), Wellington, FL
- Pineapple Ridge (office and apartment project), Melbourne, FL
- Royal Palm Business Center (industrial warehouse project), Pompano Beach, FL
- Lake Point Ranches (residential and equestrian project), Martin County, FL
- Michael's Creek (residential waterfront project), Vero Beach, FL
- Jan Pamela Farms (equestrian polo facility), Wellington, FL
- Everglades Polo (equestrian polo facility), Wellington, FL
- Outback Polo (residential and equestrian polo project), Wellington, FL
- Port Mayaca Plantation (residential and polo project) Martin County, FL

Other significant real estate matters include:

- In 2004, John pioneered the first sale of Transferable Development Rights under the City of West Palm Beach's Historic Preservation Program on behalf of the Diocese of Palm Beach. It resulted in the transfer of over 200,000 square feet of "Air Rights" to Kolter Properties for the construction of a 20-story residential condominium in downtown West Palm Beach.
- In 2008, John represented a national lender in the foreclosure and ultimate bankruptcy sale of a failed waterfront condominium project.
- In 2009, John represented a national lender in the foreclosure and/or workout of over \$100 million in failed residential development mortgage loans.
- In 2009, John negotiated a Public/Private agreement with the South Florida Water Management District and Martin County, Florida for the creation of a public stormwater management facility and recreation area on 2,200 acres, reserving 20 year mining rights for his client during the excavation of the facility.
- In 2010, John negotiated over \$50 million in New Market Tax Credit mortgage financings for an aggregate rock mining project, and later assisted with EB-5 Financing for related mining and trucking operations.
- From 2010 to 2016, John represented several national Private Equity Lenders in over \$50 million of "Hard Equity" loans for distressed commercial real estate projects.
- From 2012 to 2016, John negotiated over \$180 million in construction financing for several large apartment projects containing approximately 900 units.
- In 2016, John negotiated the buyout of a national REIT as part of the \$27 million recapitalization of an investment partnership owning over 1 million square feet of multi-tenant industrial properties.
- In 2016, John negotiated the \$27 million sale and subordinated purchase money financing for Zacara Farm.
- In 2016, John negotiated the \$30 million sale of Gulfstream Polo Club to Pulte Homes for redevelopment as a residential P.U.D.
- In 2016, John negotiated the acquisition and redevelopment of a 135 room Airport Hotel and IHOP Restaurant ground lease, including senior mortgage financing and a subordinated SBA renovation loan.
- From 2012 to 2016, John represented national lenders in over \$100 million of senior secured real estate loans and participations for commercial projects, including multi-family construction loans, mixed use projects and retail centers.
- In 2017, John closed approximately \$50 Million of land development loans for Single Family Projects on behalf of a national private equity lender.
- In 2017, John represented high net worth buyers and seller in over \$40 Million of residential properties.
- In 2017, John represented a national developer of retail centers in the \$46 Million refinancing of a retail center in Palm Beach Gardens, Florida.
- In 2017, John represented the buyers and sellers of several polo farms in Wellington, Florida.
- In 2017, John represented the buyer/developer of a self storage building in Delray Beach, Florida, including zoning and subdivision approvals.
- In 2017, John obtained County zoning and land use approvals for a distributor of compressed atmospheric gases.
- In 2017, John represented a contractor in the successful enforcement of a \$1 Million construction lien on a hotel project in Miami Beach, Florida.
- In 2017, John represented the developer in the successful re-platting of a large equestrian parcel in Wellington, Florida.
- In 2017, John successfully appealed the denial of an Agricultural Classification for a equestrian facility in Wellington, Florida owned as a condominium.

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- In 2017, John represented a developer of large Multi-Family Apartment projects in the construction and financing of several projects throughout South Florida.
- In 2017, John represented several contractors in the negotiation of construction contracts in excess of \$25 Million of work.
- In 2018, John represented the developer of a prominent Palm Beach Gardens retail center in the \$88 million sale to a national REIT. <https://mcdonaldhopkins.com/Insights/News/2018/05/22/PGA-Plaza-in-Palm-Beach-Gardens-FL-sells-for-88-million>

Recent expert witness matters:

- Parker and Parker v. Sugar Farms CO-OP and Closter Farms, Inc., Palm Beach Circuit Court, Judge Cox- Consulting and Testifying Expert for the Defendant in a wrongful death action regarding status of decedent as a trespasser upon a roadway easement, resulting in a Summary Judgment in favor of the Defendant/easement holder controlling the roadway.
- Schnurr and Schnurr v. J. L. Property Owners Association, Inc. and Jonathan's Landing Golf Club, Inc., Palm Beach Circuit Court, Judge Small – Consulting and Testifying Expert for the Plaintiff in a real estate related litigation matter regarding the premises liability of a property owners' association and a golf club resulting from the shared use of a "promenade" where a bicyclist suffered devastating injuries, resulting in a Plaintiff's verdict of over \$40 million.

John also has substantial experience in the aircraft industry, including:

- Aircraft leasing and finance
- Purchase and sale of aircraft, including IRS Section 1031 Exchanges
- Aircraft Management Agreements
- From 2002 to 2008, John managed a complex mass tort litigation against the government of Libya on behalf of the owner of a DC-10 aircraft which was destroyed, and the families of the seven (7) American passengers who were killed, when a suitcase bomb planted by Libyan agents exploded over the Niger desert in North Africa in 1989 (UTA Flight 772). In 2008, the U.S. District Court, District of Columbia entered a \$1.7 Billion judgment against the government of Libya, ultimately resulting in Congress's passage of the Libyan Claims Resolution Act (LCRA) to settle all claims of American nationals (including the Pan Am Lockerbie and LaBelle Disco bombings) and to normalize commercial and diplomatic relations between the United States and the government of Libya. Since the passage of the LCRA, John has assisted with the filing and successful prosecution of approximately \$100 million of claims with the U.S. Department of State and the Foreign Claims Settlement Commission on behalf of the aircraft owner and the families of the American passengers. In 2017, the book, "The Forgotten Flight," chronicled the UTA 772 litigation and its impact on international relations with Libya. The book was favorably reviewed in the Wall Street Journal: <https://www.wsj.com/articles/terrors-tailwind-1499029226>

Admissions - State

- Florida

Education

- University of Pennsylvania
- Florida State University

Honors and Awards

- "AV" Peer Review Rated by Martindale-Hubbell
- Designated "Lawyer of the Year" in West Palm Beach for Real Estate Litigation by Best Lawyers in America (2013, 2014 and 2017)
- Named one of the Best Lawyers in America (2005-2020)
- Selected for inclusion in *Florida Super Lawyers* (2006-2019)
- Florida Trend, "Florida Legal Elite"
- South Florida's Legal Guide, "Top Lawyers" (2004-2017)
- Daily Business Review, "Best of The Bar"
- Achievement Award (Pro Bono) – St. Ann's School (2004)
- Outstanding Pro Bono Service Award - Legal Aid Society of Palm Beach County (2007)

Professional Membership

- The Florida Bar
- Board Certified as a specialist in Real Estate Law since 2000
- Judicial Nominating Commission, Fifteenth Judicial Circuit of Florida, Appointee of Governor Jeb Bush (2003 to 2008); Vice Chairman (2005 to 2006); Chairman (2006 to 2007)
- Formerly an Adjunct Professor of Advanced Business Law at the Rinker School of Business, Palm Beach Atlantic College

Public Service and Volunteerism

- Pine-Jog Environmental Education Center (Business Advisory Board)
- St. Ann's Church (Finance Committee)
- Rosarian Academy (Sports Committee)

Alerts

- Impending changes to the residential loan closing process

Blog Posts

- What flavor is your loan guaranty?
- Caveat Emptor: Why a buyer should beware of the seller's listing agreement

News

- "The Fed Cut Brings No Clarity, Just Uncertainty"
- What does the Federal Reserve's decision to cut its benchmark rate mean for you?
- Five McDonald Hopkins attorneys recognized by Florida Super Lawyers
- Menin Development secures loan of close to \$30 million for Delray Beach project
- Four attorneys at McDonald Hopkins named Florida Super Lawyers
- PGA Plaza in Palm Beach Gardens, FL sells for \$88 million
- 35 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2018
- Six attorneys at McDonald Hopkins named Florida Super Lawyers
- "Legal Project: Bringing 4 Parties, 3 Exchanges Together in 1 Hotel Deal"
- "McDonald Hopkins Team Engineers \$27 Million Polo Sale"
- 39 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers 2017
- Gulfstream Polo Club sells 100 acres to Pulte Homes

- 41 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2016
- Five McDonald Hopkins attorneys honored as top attorneys in Florida