

# STARN • O'TOOLE • MARCUS & FISHER

A LAW CORPORATION



**Director**

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(808) 537-6100

**Education:**

**New York University School of Law**

J.D. (1975)

**University of Pennsylvania**

The Wharton School

B.S., Economics (1972)

**Areas of Practice:**

*Hotels & Resorts, Commercial Real Estate, Business Organizations, Corporate and Real Estate Finance*

**Professional Activities:**

*Licensed in Hawaii, New York*

*Member, International Society of Hospitality Consultants*

*Board of Directors, Real Property & Financial Services*

*Section of the Hawaii State Bar Association (Past Chairman)*

*Listed in The Best Lawyers in America®, Real Property Law*

*Super Lawyers*

*Chambers USA*

*Hawaii Real Estate Band 1*

*Corporate/Commercial Band 2*

## KENNETH B. MARCUS

Honolulu real estate attorney Kenneth B. Marcus has over 45 years of experience in the areas of commercial real estate law, development, finance, leasing, purchases and sales. He also has extensive experience in Hawaii business law including the formation of partnerships and limited liability companies, and corporate finance. His real property practice includes the development, acquisition, sale, financing and restructuring of hotels, office buildings and shopping centers, with particular expertise in the hotel industry. Mr. Marcus has also participated in the reorganization of and recovery of assets for insolvent insurance companies.

Mr. Marcus holds *Martindale-Hubbell's*® highest possible professional rating **AV**® for both his skill and his integrity. Mr. Marcus has been selected to the "**Top 25**" *Hawaii Super Lawyers*® list three times (2011, 2012, 2014), in the practice area of Real Estate Law. He is also recognized by *The Best Lawyers in America*® for Business Organizations, Commercial Finance, Mergers & Acquisitions and Real Estate Law, and named *The Best Lawyers in America*®, 2016 "**Lawyer of the Year**" in Honolulu, in the practice area of *Business Organizations* and 2017 "**Lawyer of the Year**" in Honolulu, in the practice area of *Mergers & Acquisitions*. He is also recognized by *Chambers USA Leading Lawyers For Business* for Real Estate Law.

Mr. Marcus is a member of the International Society of Hospitality Consultants. He authored the chapter for the Hawaii State Bar Association Real Estate Manual on Hotel Management, which includes Restaurant Leases and Liquor Licensing.

Mr. Marcus served as Vice Chairman of the Stadium Authority of the State of Hawaii from July 2006 to June 2014, is the past-President of Temple Emanuel in Honolulu.

Some examples of Mr. Marcus' work include:

**Asset Based Financing.** Represented one of the Island's largest businesses, using expertise in Hawaii business law to assist the client in acquiring a four-tranche, \$100+ million borrowing facility, including the issue of warrants and related corporate reorganization.

**Hotel Management Agreement Analysis.** Retained by one of the nation's largest hotel management companies to review and update their standard hotel

management contract.

**Hotel Development Workout.** Represented developer of large resort development in negotiating workout and buyout of interests of lenders and investors.

**Formation of Real Estate Investment Funds.** Organized complex, multi-tier investment funds formed for investments in the United States, Mexico and Asian properties.

**Resort Development.** Represented clients in development of urban businessmen's hotels in the United States and Mexico, resort/hotel/golf development in the United States and Mexico.

**Management Agreement Auction.** Represented owner of 5-star resort in soliciting proposals from the nation's largest management companies, reviewing and negotiating those proposals and negotiation of joint venture/hotel management relationships with chosen operator.

**Hotel Acquisitions.** Successfully represented purchasers of hotel properties in Hawaii and nationwide, ranging from single, limited service properties to portfolio purchase of 24 full-service hotels.

**Hotel Sales.** Represented sellers of major resort properties.

**Hotel Management Agreements.** Mr. Marcus has negotiated management agreements for both management companies and owners.

**Urban Redevelopment.** Represented developers in negotiations with local, state and city authorities for developments ranging from festival waterfront restaurant complexes to \$1 billion offshore residential development.

**Shopping Center Development and Leasing.** Represented anchor tenants, in-line tenants, and landlords of shopping center properties in connection with leasing, acquisition of pads, reciprocal easement and operating agreements, construction and permanent financing and formation of investment ventures.

**Office Building Development.** Represented developer of high rise office building under various ground and air rights leases; responsible for tenant leasing, as well as financing.

**Insurance Insolvency.** Represented the Insurance Commissioner of the State of Hawaii in connection with Hawaiian Insurance Group and Investors Equity Life Insurance Co. insolvencies; wrote the reorganization plan for HIG and handled

sale of the company to Vesta Insurance.

**What People Say:**

*Ken Marcus is a true professional and represents his clients with a caring attitude. He doesn't gloss over the facts, and while difficult to hear sometimes, he tells it like it is. He is incredibly responsive and delivers on promised timetables. Ken works well with others in and outside his firm, but is no pushover when advocating for his client. He immerses himself into the background of the case to ensure no one can pull the wool over his eyes. He is efficient and effective and I would recommend him to my friends and business associates."*

*Best Lawyers Client Comment*

*"Kenneth Marcus is described by sources as "a fantastic all-rounder" and "the complete package"when it comes to transactional real estate. His expertise in real estate acquisitions and leasing matters is highly sought after by clients based in Hawaii and on the US mainland."*

*Chambers and Partners, USA Directory of America's Leading Lawyers For Business, Real Estate*

*"Kenneth Marcus...broad practice incorporating both corporate and real estate finance issues."*

*Chambers and Partners, USA Directory of America's Leading Lawyers For Business, Corporate/Commercial*

*"Kenneth Marcus is held in very high regard on the developer side, his prominence boosted by a background in real estate syndication in New York. One peer commented: "He is the most business-minded attorney I have ever worked with. When it comes to documenting complex ideas, no one works faster or uses simpler language to explain things."*

*Chambers and Partners, USA Directory of America's Leading Lawyers For Business, Corporate/Commercial*

*"Excellent client service and an "invaluable knowledge of local legal precedents and customs" make Kenneth Marcus a popular choice for real estate counsel. As an active member of the International Society of Hospitality Consultants, hotel management is an important area of his focus."*

*Chambers and Partners, USA Directory of America's Leading Lawyers For Business, Real Estate*

*"Kenneth Marcus is considered an exceptional figure who deals with the gamut of real estate matters, including financing, sales, purchases and leasing."*

*Chambers and Partners, USA Directory of America's Leading Lawyers For Business, Real Estate*

*"Kenneth Marcus is applauded for his skill in handling real estate acquisitions and leasing matters. One client reports: "Ken works seven days when needed and he has a phenomenal response time. He is my go-to lawyer." He represented SMG Hotel Waikoloa in acquiring a resort hotel and renegotiating hotel management agreements."*

*Chambers and Partners, USA Directory of America's Leading Lawyers For Business, Real Estate*