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413-272-6255

## Partner Bio: Mark D. Cress

### Practice Areas

- Business
- Finance, Banking and Bankruptcy
- Schools, Colleges and Universities
- Real Estate
- Mergers & Acquisitions
- Health Care

### Bio

Mark Cress is a member of the firm's Executive Committee, leads the Banking, Finance and Bankruptcy practice group, and co-leads the Health Care practice group.

Mark has significant experience and possesses a broad range of knowledge and skills in representing banks and other financial institutions, for profit and not-for-profit entities and individual clients in connection with all forms of financing and business transactions. He also represents parties in creditor-debtor relationships and appears on behalf of creditor parties in proceedings before the United States Bankruptcy Court.

His experience includes representing lenders, including banks and other credit facility providers, and borrowers, including health care and educational institutions and other not-for-profit entities in connection with publicly offered and privately placed tax-exempt bonds issued through the Massachusetts Development Finance Agency. He also has substantial experience in representing lenders and borrowers in connection with real estate and asset based secured financing transactions, and financing transactions involving the federal New Markets Tax Credit (NMTC) and Low Income Housing Tax Credit (LIHTC) programs. In addition, Mark represents banks and other financial institutions and debtor parties in connection with loan workouts, mortgage and other business asset foreclosures, bankruptcy and other insolvency proceedings. He also regularly represents private closely held businesses, including health care and other professional service practices, in providing advice and assistance in the areas of business organization, choice of entity, legal structure, governance, financing and other commercial transactions involving real estate, stock and asset acquisitions and divestitures, and commercial leasing transactions.

## Bar Admissions

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Massachusetts  
District of Massachusetts  
First Circuit Court of Appeals

## Education

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Bucknell University, B.A., cum laude, 1980  
Northeastern University School of Law, J.D., 1988

## Experience

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- Represented major medical center in connection with a series of financing and refinancing transactions totaling approximately \$270 million used to fund a new hospital addition that included publicly offered tax-exempt variable rate demand bonds with a letter of credit liquidity facility, intermediate put bonds and long-term fixed rate bonds, interest rate swaps, NMTC financing with multiple Community Development Entities, investors and investment funds, a multi-member Qualified Active Low Income Community Business (QALICB), and multiple leverage lenders including an affiliate of the QALICB.
- Represented Massachusetts non-profit corporation as ground lessor in connection with a ground lease transaction related to potential development of an \$800 million resort casino complex pursuant to Massachusetts Gaming Statute, including negotiation of a legally compliant, tax-advantaged structure and drafting of ground lease and related transaction documentation.
- Represented private equity firm and its joint venture partner as a debtor-in-possession lender and subsequent purchaser of a high technology defense related company out of a Chapter 11 bankruptcy proceeding.
- Represented a development sponsor of a continuing care retirement community in connection with a workout of the tax-exempt bond financed facility involving a pre-bankruptcy operating bridge loan and subsequent sale of facility to third party purchaser in the context of a prepackaged Chapter 11 bankruptcy proceeding.
- Represented a state housing finance agency in connection with a Chapter 11 bankruptcy proceeding in obtaining relief from the automatic stay to foreclose on a 139 unit low-income apartment complex financed in part through the LIHTC program, and in connection with the subsequent sale of the property and a restructuring of the remaining unused tax credits.
- Represented medical center in connection with acquisition of community hospital, including drafting and negotiation of letter of intent and definitive agreements, and in connection with Massachusetts Health Policy Commission, Department of Health and Office of Attorney General regulatory approvals.

- Served as an expert witness in a state court trial with respect to issues concerning the duty of counsel to a secured creditor to file continuation statements under Article 9 of the Uniform Commercial Code.
- Represented angel investor in structuring secured loans and equity investments in various start-up companies including retail clothing and designer and distributor of consumer goods.
- Served as counsel to lead lender in connection with secured and unsecured revolving loan and term debt syndicated credit facilities extended to publicly and privately owned borrower affiliates.

## Honors

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- Named 2022 “Lawyer of the Year” for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law by Best Lawyers®, in partnership with U.S. News Media Group
- Selected by his peers for inclusion in Best Lawyers® for the past 19 years in Corporate Law, 17 years for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, and five years for Banking and Finance
- Received an AV Preeminent® Peer Review Rating from Martindale Hubbell®, the highest possible rating for ethics and legal ability
- Selected for inclusion in the Massachusetts Super Lawyers 2004-2009, 2011-2012, 2016, 2018-2024 in the areas of Government Finance, Banking, Bankruptcy: Business, Health Care and Mergers & Acquisitions

## Affiliations

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- Member of Board of Directors and Investment Committee of Mason Wright Foundation, Inc., Springfield, Massachusetts
- Past Board and Executive Committee member of the Pioneer Valley Chapter of the American Red Cross
- Past Board and Executive Committee member of Glenmeadow, Inc., Longmeadow, Massachusetts
- Past Board member of the Longmeadow Educational Excellence Foundation
- Past President and Board member of Western Massachusetts Division of the March of Dimes Birth Defects Foundation
- Past member of Hampden County Bar Association Local Bankruptcy Rules Committee
- Member, American Bar Association and Commercial Law Section
- Member, Massachusetts Bar Association
- Member, Hampden County Bar Association and Bankruptcy Section
- Member, American College of Mortgage Attorneys
- Member, American Bankruptcy Institute