

## Mark A. Rowley

Principal

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Mark Rowley has extensive experience representing domestic and foreign real estate developers and lending institutions in a variety of real estate matters, including the acquisition and sale of real property, secured lending, workouts and foreclosures, commercial leases and complex real estate litigation.

Mark has structured entities, including general and limited partnerships and limited liability companies, formed for the purpose of acquiring real property. He represents general partners in the private placement and syndication of limited partnership interests. He negotiates earnest money agreements, options and ground leases for acquisition of property and reviews contingencies to closing, including evaluation of title and permitting requirements.

In addition, he represents lenders and borrowers in the negotiation, documentation and administration of construction and permanent loans. He analyzes strategies for the collection of indebtedness and evaluates the risks and advantages of bankruptcy proceedings.

In addition, Mark represents parties in disputes involving real property, including rescission and specific performance of earnest money agreements, foreclosure of liens and deeds of trust, unlawful detainer actions, condemnation proceedings, partition suits and construction litigation. Mark also negotiates construction contracts with contractors, represents owners and lenders on issues that arise during construction, including construction loan disbursement and draw requests, lien priorities, stop notices, subordination, holdbacks and retainage.

### Services

Real Estate, Land Use & Environmental  
Commercial & Real Estate Finance  
Construction  
Eminent Domain & Inverse Condemnation  
Litigation  
Real Estate

### Admissions

Washington, 1977  
Illinois, 1976

## Education

J.D., University of Michigan Law School, 1975

B.A. University of Michigan, English, 1972

- Phi Beta Kappa

## Honors & Recognition

*The Best Lawyers in America*® Real Estate Law, 2013-present

Martindale-Hubbell AV Preeminent rating

"Top Lawyer" Real Estate, *Seattle Met* magazine, 2010

## Professional Activities

Garvey Schubert Barer, Board of Directors, Chair, 1994-1997

## Experience

Real estate litigation

Successful defense of a seller accused of fraud in \$41 million sale of Lynnwood data center to ByteGrid, a national operator of data centers.

Purchase and sale transactions

Representation of the purchaser in connection with the purchase of improved and unimproved property, including the Emerald Downs racetrack, the Salish Lodge and Spa, and the purchase of 96,307 acres of timberland in King, Pierce and Lewis Counties in Washington for \$313 million.

Financing of key projects in Washington and Oregon

Representation of lenders in connection with more than \$150 million construction and land loans secured by real property in the Pacific Northwest, including \$25 million financing for the renovation of Seattle's Nordstrom flagship building, participation in the Seattle Millennium Tower construction loan, and Portland's Brewery Blocks project construction loan.

Lease negotiations with major food and beverage chains

Representation of landlords of shopping centers negotiating leases with restaurants, fast food outlets, and coffee shops, including Applebee's, Mitzel's American Kitchen, Hooters, Houlihan's, Rock Bottom Brewery, Quiznos, Burger King, Subway, McDonald's, Wendy's, Starbucks, Tully's, Ben & Jerry's, and Cold Stone Creamery.

Lease negotiations with national and regional retailers

Representation of landlords of shopping centers in negotiating leases with retail tenants, including Walgreen, Fred Meyer, Office Depot, Home Depot, Michael's, Big 5, Dollar Tree,

Men's Wearhouse, Sleep Train, Sleep Country, Radio Shack, Act III/Regal Theatre, Gene Juarez Salon, PCC Natural Markets, Grocery Outlet, Red Apple, Maurices, Payless ShoeSource, O'Reilly Auto Parts, Jiffy Lube, FedEx Office, and U.S. Bank.

**Construction of shopping centers and hotel & resort projects**

Representation of owners in their negotiation with architects and contractors for the development of shopping centers, hotels, resorts, and casinos.

**Development of residential and commercial projects**

Representation of developers in connection with development of condominium projects, including the development of the Meridian, a 26-story, 160-unit condominium tower in downtown Seattle; represented developer as the borrower of a \$73.5 million construction loan for Summit Office Building in Bellevue; represented developer in the development and leasing of the Bellevue Galleria shopping center, including negotiation of \$42 million construction loan with Wells Fargo and negotiation of equity financing with ING Baring.

**News**

43 Attorneys Named 2021 *Best Lawyers in America*; 10 Named Best Lawyers: Ones to Watch  
*Foster Garvey Newsroom*, 8.20.20

50 Foster Garvey Attorneys Named 2020 *Best Lawyers in America*  
*Foster Garvey Newsroom*, 8.15.19