



Daniel A. Merlin

ASSOCIATE

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Mr. Merlin's principal areas of practice are lender representation, commercial real estate, general corporate and construction law. His clients include financial institutions, developers, commercial contractors and title insurance underwriters, among others. Having previously litigated title claims and construction disputes for four and a half years, Mr. Merlin is uniquely qualified to assist lenders, developers and other companies in structuring their loan, real estate and corporate transactions so as to minimize the chance for litigation. He is active in both the Mecklenburg County Bar and the North Carolina Bar Association.

Practice Areas

- Business Law
- Commercial Real Estate
- Construction
- Financial Institution Representation
- Financial Services
- Title Claims

Representative Work

- Represent lenders in real estate and asset secured lending (including cross-collateralization agreements) to operating companies.
- Represent privately held companies in various business transactions.
- Represent commercial real estate developers in negotiation, acquisition, financing, management and leasing matters.
- Form corporations and limited liability companies by preparing bylaws, operating agreements, management and employment agreements, shareholder agreements, etc.
- *Metcalf v. Black Dog Realty, LLC*, 684 S.E.2d 709 (N.C. Ct. App. 2009). Successfully obtained reversal of trial court's denial of developer's right to purchase property from City of Asheville. Unanimous Court of Appeals panel directed that summary judgment be entered in favor of developer.
- *Rice v. Cobolan*, 2010 N.C. App. LEXIS 1160 (N.C. Ct. App. 2010). Successfully obtained reversal of trial court's summary judgment order restricting clients' right to develop their property. Unanimous Court of Appeals panel directed that summary judgment be entered in favor of clients.

- Effectively defended 13 homeowners and lenders from 67 claims of lien and 38 lien enforcement lawsuits threatening to prime the owners' and lenders' interests in their houses after builder declared bankruptcy. Successfully recovered losses from third parties involved in the disputes.

Education

- University of North Carolina at Chapel Hill (B.S. Business Administration, with Honors, 2003)
- University of North Carolina at Chapel Hill (J.D., with Honors, 2006)
 - Managing Editor, North Carolina Law Review
 - Clerk of Court, Holderness Moot Court Bench
 - Member, Invitational Moot Court Team
 - President, Entrepreneurial Law Association
- Admitted to North Carolina Bar in 2006

Honors and Awards

- *Business North Carolina* "Legal Elite"
 - Young Gun – Top North Carolina Attorneys Under 40 (2010-2012)
 - Construction (2012)
- North Carolina "Super Lawyers" - Rising Star (2010, 2012)
- Graduate of Mecklenburg County Bar Leadership Institute (2009)
- Order of the Barristers (2006)



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Professional Involvement / Leadership

- North Carolina Bar Association
 - Co-Chair NCBA 4ALL Task Force (2011-2012)
 - Co-Chair Charlotte Site, NCBA 4ALL Service Day (2009-2011)
 - Construction Law Section
- Mecklenburg County Bar
 - Chair, Young Lawyers Division (2010-2011)
 - Bar Leadership Institute Committee (2009-)
 - Finance Committee (2009-)
 - Law & Society Committee (2006-2009)
- Mecklenburg Bar Foundation
 - Board Member, MCB Appointee (2009-2012)
 - Development Committee (2009-2012)
- American Bar Association
- North Carolina Land Title Association
- Justice William Bobbitt Inns of Court

Publications / CLEs

- Co-Author, "Construction Claims," North Carolina Construction Law Deskbook (5th ed. 2009)
- Co-Author, "Occupational Safety and Health Act of North Carolina," North Carolina Construction Law Deskbook (5th ed. 2009)
- Speaker, "Claims of Lien, Lien Waivers and the Two-Hat Rule", Title Insurance Professionals Seminar, Stewart Title Guaranty Company, November 2009
- Speaker, "Professionalism for the Young Lawyer", New Lawyer CLE, Mecklenburg County Bar, September 2010
- Program Planner, Construction Law CLE, Mecklenburg County Bar, February 2011