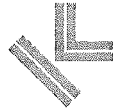


Kramer Levin



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October 28, 2024

John M. Nolan
Chair, Member Selection Committee
c/o American College of Real Estate Lawyers
220 North Market Street, Suite 100
Frederick, Maryland 21701

Re: Nomination of David S. Fitzhenry

Dear Mr. Nolan:

I am pleased to write and second the nomination submitted by Ronald D. Sernau of the Proskauer firm of **David S. Fitzhenry** for membership in ACREL.

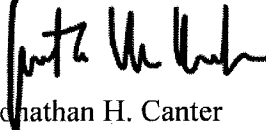
I have known David professionally for approximately 10 years beginning with his work first as an associate of Matthew J. Leeds (ACREL) on a complicated mixed-use project which was to be co-developed by two large developers (with David's firm representing one and mine representing the other). From that first experience, I observed an earnestness, enthusiasm and diligence on David's part; and the transaction – which lasted over many months – was concluded by us in an efficient and collegial manner. That has been the case in all our subsequent dealings. Since that time, David has grown and developed in his own right within the cohort of New York City developer attorneys into a recognized practitioner in the area of condominium law, and one who we find quite often representing one of the other stakeholders in numerous of the matters that I and my colleagues are also working on. Recent examples include David, on more than one occasion, representing a lender to one of my developer clients or, as was the case over the last 2 years, acting as condominium counsel to a world renowned New York medical institution which was to be the anchor tenant in a to-be-built-to-suit condominium tower. Throughout all of my experiences with David, his conduct has been professional, thoughtful and solution oriented. My team and I are always happy to learn on new engagements that David will be representing one of the other parties to the transaction. Indeed, where my firm is unable to take on a particular matter for conflicts or otherwise, David's is among the names I have given as a referral as alternative counsel from time to time.

John M. Nolan
Chair, Member Selection Committee
October 28, 2024

Regarding giveback, I know that David has published numerous articles which I have read, and authored a chapter in a respected New York real estate treatise. I receive his firm's periodic newsletter which has included posts authored by David, and I believe I have also attended at least one bar association meeting at which David spoke. His contributions in this regard are clear, relevant and well presented. Finally, I do believe David will be enthusiastic about participating in and contributing to the activities of the College.

I have received and reviewed the Proposal for Membership submitted by Ronald D. Sernau and certify that David S. Fitzhenry satisfies the criteria for selection to the College as set forth in Section 4 of the Guidelines for Regular Member Selection. In my opinion and to my knowledge, the Nominee satisfies ACREL's Statement of Professionalism and exemplifies the standards of professional integrity and civility as provided in the Guidelines. I am not (a) in the same firm, business entity, faculty or other organization as the Nominee, (b) related by birth or marriage to the Nominee, or (c) a current Governor or member of the Member Selection Committee of the College. Neither the nominee nor his/her employer regularly employs or retains me or my law firm or employer, and my business relationship, if any, with the nominee is as only as stated above.

Very truly yours,



Jonathan H. Canter
ACREL Member