



## Timothy J. Fierst Member

733 Third Avenue  
New York, NY 10017  
Phone: 212-551-8434  
E-mail: [tfierst@rosenbergestis.com](mailto:tfierst@rosenbergestis.com)



### Areas of Practice

Litigation (Commercial)  
Litigation (Real Estate)  
Transactional Law  
Appellate Law  
Mortgage Foreclosure  
Bankruptcy ( Creditor's Rights)

### Honors and awards

Designated NYS Empire State Counsel for Pro Bono efforts

### Education

St. John's University School of Law

- J.D. – 1990

St. John's University

- B.A. (*magna cum laude*) - 1987

### Bar Admissions

- New York, 1991
- Connecticut, 1990
- U.S. District Court Eastern District of New York, 1991
- U.S. District Court Northern District of New York, 1991
- U.S. District Court Southern District of New York, 1991
- U.S. District Court Western District of New York, 1991
- U.S. Court of Appeals 2nd Circuit, 2010

Timothy J. Fierst joined Rosenberg & Estis, P.C. in 2011 and is a member with the firm's Litigation Department. Mr. Fierst represents banks, mortgage lenders, loan servicers and general creditors in all phases of litigation and appeals in the areas of mortgage and tax lien foreclosures, mortgage fraud/predatory lending defense, receivership litigation, lien enforcement and workouts/loan restructures. Additionally, he represents lenders in connection with commercial and residential loan transactions.

Mr. Fierst has argued ground breaking appeals in the areas of the superiority of real estate tax liens and real estate construction law. He also specializes in such diverse practice areas as litigating claims under the Perishable Agricultural Commodities Act.

Mr. Fierst is a contributing author to the 2017 Deskbook: Guide to Receivership and Foreclosure (Trigild Inc., 6<sup>th</sup> ed. 2017), and has been a presenter at a Commercial Real Estate Workout, Turnaround and REO Conference hosted by Infocast.

### Published Works

- "Guide to Receivership and Foreclosure" (Co-Author), Connecticut Foreclosure Issues, Trigild, Inc., 6<sup>th</sup> ed., 2017

### Representative Cases

- Alvin Toy and Amy Toy Lum, Broadway Enterprises, Inc. v. Lum, 16 A.D.3d 413, 790 N.Y.S.2d 402 (2d Dep't 2005)
- NYCTL 1998-1 Trust v. Carajo Holding Corp., 33 A.D.3d 775 (2d Dep't 2006)
- NYCTL 1998-1, 1998-2, 1996-1 Trusts v. Cooper Third Assoc., 11 Misc.3d 1080(A) (Sup. Ct. Richmond County 2006)
- NYCTL 1998-2 Trust v. Levin, 13 A.D.3d 595 (2d Dep't 2004)
- NYCTL 1998-2 Trust v. Levin, 45 A.D.3d 549 (2d Dep't 2007)
- Xspand/NYCTL, NYCTL 1998-1 Trust v. Cooper Third Assoc., 43 A.D.3d 395 (2d Dep't 2007)

### Representative Clients

- Acqura Loan Services
- AMS Loan Servicing
- Bayview Financial Services
- Federal Deposit Insurance Corporation (FDIC)
- HSBC Bank, USA
- JP Morgan Chase
- Residential Credit Services
- RoundPoint Mortgage Servicing Corp.
- Rushmore Loan Management Services
- Select Portfolio Servicing, Inc.
- Truman Capital
- Xspand

**Classes/Seminars**

- Commercial Real Estate Workouts, Turnarounds and REO Conference (Speaker), Infocast Conference

**Professional Associations and Memberships**

- New York State Bar Association
- New York City Bar Association