

Michael S. Provenzale

SHAREHOLDER

Chair, Distressed Real Estate Solutions Group

407.418.6294

michael.provenzale@lowndes-law.com



Mike Provenzale is a shareholder in the Creditors' Rights Group, representing institutional and private lenders in commercial loan foreclosure and other collection lawsuits, receiverships, workouts, bankruptcies, and REO dispositions throughout the state.

In his litigation practice, Mike also represents clients on a variety of matters concerning business, real estate, and condominium litigation.

Additionally, Mike has experience in the area of real estate transactions, development and finance. He has represented a myriad of private and public clients in connection with the leasing, financing, acquisition, and disposition of commercial real estate.

Mike has also published several articles on current creditors' rights and real estate issues.

Experience

- Obtaining judgment for factoring company, including successful defense of lender liability counterclaims at trial
- Obtaining a multi-million-dollar judgment in bank fraud case stemming from forged documents
- Representing a court-appointed receiver over marble fabrication company and its affiliates, resulting in multiple assets sales and significant recovery to creditors
- Obtaining dismissal of Fair Debt Collection Practices Act and Florida Consumer Collection Practices Act claims filed in federal court against a creditor.
- Obtaining various judgments declaring debts non-dischargeable in bankruptcy based upon intentional, willful, and malicious acts, and fraud
- Successfully resolving debt collection litigation on behalf of a bank involving Nevis trust law and the imminent removal of funds to a foreign country.

Practices & Industries

Creditors' Rights & Bankruptcy
Distressed Real Estate
Banking & Finance
Business Litigation
Real Estate Litigation

Admissions

Florida
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Southern District of Florida

Education

- Florida State University College of Law, *magna cum laude*, 2008
- University of Florida, B.A., *cum laude*, 2005

- Representing a purchaser of failed bank assets from the FDIC during the Great Recession, resulting in numerous foreclosure and debt collection filings and workouts.
- Obtaining numerous multi-million dollar deficiency judgments
- Represented buyers of various real estate projects in Section 363 Sales conducted in the seller's bankruptcy, including hotels, golf courses, and vacant land.
- Defending fraudulent transfer claims brought by bankruptcy trustee against creditor.
- Negotiating an eight-figure loan sale and contemporaneous deed-in-lieu of foreclosure from the borrower to the note buyer
- Successful appellate representation of mortgage lender following a bankruptcy court ruling invalidating its mortgage, leading to reinstatement of mortgage and payment in full.
- Obtained complete defense verdict at trial for real estate investor sued to enforce restrictive covenants.
- Successfully resolved dispute over breached warranties in litigation over a hotel purchase.
- Obtained favorable summary judgment ruling on a major legal issue in a condominium termination lawsuit, leading to its settlement.
- Negotiated the resolution of an easement dispute between a hotel and an adjacent parking lot, ending litigation over parking usage.

Recognitions

- Awesome Attorneys, *Orlando Family Magazine*, 2023
- Rising Star, *Florida Super Lawyers*, 2016–2022
- Managing Editor, *Florida State University Law Review*
- Order of the Coif
- Florida Blue Key

Community Activities

- Mills 50 Main Street District, Board of Directors
- Harry P. Leu Gardens Board of Trustees, Former Chairman

Professional Certifications & Memberships

- Orange County Bar Association
- The Florida Bar
- Turnaround Management Association
- Central Florida Bankruptcy Law Association

News

14 Lowndes Attorneys Named to *Orlando Family Magazine's* "Awesome Attorneys 2023"
02.21.2023 | AWARDS & RECOGNITION

19 Lowndes Attorneys Named 2022 Florida Super Lawyers and Rising Stars
07.05.2022 | AWARDS & RECOGNITION

Lowndes Advises Florida Citrus Sports on Acquisition of 3.5 Acres Next to Camping World Stadium
08.04.2021 | NEWS RELEASE

22 Lowndes Attorneys Named 2020 Florida Super Lawyers and Rising Stars
06.04.2020 | AWARDS & RECOGNITION

Cannabis Companies Can't File for Bankruptcy - So Now What?
06.01.2020 | MEDIA MENTION

29 Lowndes Attorneys Named 2019 Florida Super Lawyers and Rising Stars
05.29.2019 | AWARDS & RECOGNITION

Lowndes Attorney Michael Provenzale Elected To Harry P. Leu Gardens Board of Trustees
03.05.2019 | PRESS RELEASE

Lowndes, Drosdick, Doster, Kantor & Reed Attorneys Rated 2018 Super Lawyers and Rising Stars
06.18.2018 | AWARDS & RECOGNITION

Lowndes, Drosdick, Doster, Kantor & Reed Attorneys Rated 2017 Super Lawyers and Rising Stars
06.01.2017 | AWARDS & RECOGNITION

Four Lowndes, Drosdick, Doster, Kantor & Reed Attorneys Promoted To Shareholder In 2017
02.01.2017 | FIRM NEWS

Speaking Engagements

The Real World of the Commercial Real Estate Receivership Act
05.11.2022 | PRESENTATION

The Real World of the Commercial Real Estate Receivership Act
05.11.2022 | WEBINAR

Lowndes Webinar Series - Navigating the COVID-19 Crisis: Landlord/Tenant Issues
04.16.2020 | WEBINAR

Publications

Know Your Rights: 5 Facts About Usury Laws in Florida
06.20.2023 | ARTICLE

What Commercial Landlords Need to Know: 2021 COVID Relief Bankruptcy Changes
01.28.2021 | LOWNDES LEASING LAWYERS BLOG

Foreclosure Moratorium Update
12.03.2020 | ARTICLE

Governor DeSantis Extends Florida's Moratorium on Evictions and Foreclosures to October 1
09.02.2020 | ARTICLE

Governor DeSantis Extends Eviction and Foreclosure Moratorium until September 1

07.31.2020 | [ARTICLE](#)

New Options for Creditors: Florida Adopts the Uniform Commercial Real Estate Receivership Act

07.06.2020 | [ARTICLE](#)

Governor DeSantis Extends Moratorium on Evictions and Foreclosures until August 1

07.01.2020 | [ARTICLE](#)

Are Deadbeat Lists Dead? Community Associations vs. the Florida Consumer Collection Practices Act

06.29.2020 | [ARTICLE](#)

Governor DeSantis Extends Moratorium on Evictions and Foreclosures until July 1

06.02.2020 | [ARTICLE](#)

Cannabis Companies Can't File for Bankruptcy - So Now What?

05.29.2020 | [ARTICLE](#)

Loan Modifications in the Wake of COVID-19

04.09.2020 | [ARTICLE](#)

Governor DeSantis Announces Florida Foreclosure Moratorium

04.03.2020 | [ARTICLE](#)

Bankruptcy Code Changes in the CARES Act

03.31.2020 | [ARTICLE](#)

HUD and FHA Announce Foreclosure Moratoriums

03.19.2020 | [ARTICLE](#)

Collecting Smaller Debts Just Got Easier for Creditors Thanks to New Legislation

05.29.2019 | [ARTICLE](#)

Four Things to Know When Buying a Loan

06.19.2017 | [ARTICLE](#)

For Closure In Foreclosure: Appellate Court Restores Lis Pendens Protections In Do-Ober Decision

02.07.2017 | [ARTICLE](#)

Circumventing the Perils of Ownership: A Lender's Guide to the Receiver's Power of Sale in Florida

08.01.2010 | [ARTICLE](#)

Is the Doctrine of Caveat Emptor Dying in Florida?

01.01.2010 | [ARTICLE](#)