

## Michael S. Provenzale

### SHAREHOLDER

Chair, Distressed Real Estate Solutions Group

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**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, and bankruptcies throughout the state. Mike's bankruptcy practice involves representing creditors of all types in Chapter 7, 11, and 13 cases, as well as adversary proceedings.

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

#### Representative Cases

- *In re 2 Monkey Trading, LLC*, 2023 WL 3947494
- *In re Pope*, 2022 WL 16859665
- *In re Burke*, 2021 WL 1997257
- *Wells Fargo v. Barber, et al.*, 85 F.Supp. 3d 1308

#### Representative Matters

- Successfully defeated Chapter 11 debtor's bid for a temporary injunction protecting its owners in connection with confirmation of its plan of reorganization.
- Obtained judgment for factoring company, including successful defense of lender liability counterclaims at trial.

### 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

- Obtained dismissals of several bankruptcy proceedings filed in bad faith, allowing creditors to continue with their collection efforts.
- Obtained a multi-million-dollar judgment in bank fraud case stemming from forged documents.
- Represented a court-appointed receiver over marble fabrication company and its affiliates, resulting in multiple assets sales and significant recovery to creditors.
- Obtained dismissal of Fair Debt Collection Practices Act and Florida Consumer Collection Practices Act claims filed in federal court against a creditor.
- Obtained various judgments declaring debts non-dischargeable in bankruptcy based upon intentional, willful, and malicious acts, and fraud.
- Successfully resolved debt collection litigation on behalf of a bank involving Nevis trust law and the imminent removal of funds to a foreign country.
- Represented a purchaser of failed bank assets from the FDIC during the Great Recession, resulting in numerous foreclosure and debt collection filings and workouts.
- Obtained 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.
- Defended fraudulent transfer claims brought by bankruptcy trustee against creditor.
- Negotiated an eight-figure loan sale and contemporaneous deed-in-lieu of foreclosure from the borrower to the note buyer.
- Handled the 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
- Turnaround Management Association

## Professional Certifications & Memberships

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

## News

Lowndes Files Appellate Brief in Precedent-Setting Subchapter V Bankruptcy Case  
10.23.2023 | PRESS RELEASE

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 | PRESS 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

Navigating COVID-19 Landlord/Tenant Issues  
09.23.2020 | WEBINAR

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

## Publications

Four Things to Know about Red Lobster's Bankruptcy Filing  
05.24.2024 | ARTICLE

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