



## Michael C. Patton

Shareholder

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Michael C. Patton has significant experience in litigation involving commercial and residential construction and in commercial litigation involving mechanics' and materialmen's liens, property issues and title insurance issues, litigation for financial institutions involving both loan recovery/workouts and lender liability, as well as litigation involving general business disputes.

Mr. Patton is in the Firm's Memphis office.

### Representative Matters

- Successfully represented the Community Development Enterprises arm of a national lender (the CDE) as to a failed mixed retail and grocery store project in south Memphis involving a potential foreclosure, the resolution of property tax liens, a Chapter 11 proceeding with a court ordered sale of the project and payment of net proceeds to the CDE and a negotiated settlement of the general contractors claims against the CDE as to the distribution of loan proceeds during construction.
- Successfully convinced plaintiffs' counsel to dismiss a wrongful foreclosure action against a bank in Shelby County, Tennessee, Chancery Court. A third party purchased the subject property at a foreclosure auction. When the new owner sought to evict the borrower's tenant, the borrower filed an action seeking an injunction in Chancery Court and asserted a number of meritless claims. After receiving a letter addressing the actual facts and the applicable law, counsel for the borrower voluntarily dismissed the action.

### Professional Honors & Activities

- Member – American (Past Chair, Title Insurance Litigation Committee from 1999 – 2000, Trial, Tort and Insurance Practice Section; Construction Law Committee, Litigation Section), Tennessee and Memphis Bar Associations
- Member – ABA Forum on the Construction Industry
- Listed in *The Best Lawyers in America*® for Banking and Finance Litigation (2018 – 2024); Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law (2020 – 2024); Commercial Litigation (2020 – 2024)
- Selected to Mid-South Super Lawyers (2006, 2011 – 2023)

### Publications

- "Mechanics' Liens in Practice (Prime Contractor Rights) (TN)," Thomson Reuters Practical Law (March 2022)
- "Mechanics' Liens in Practice (Remote Contractor Rights) (TN)," Thomson Reuters Practical Law (March 2022)
- "Tips for Working With Your Lender in These Uncertain Financial Times" (April 6, 2020)
- "Disclosure Duty: What Information Should Landlords Provide?," *Commercial Investment Real Estate* (March/April 2014)
- "Overview of Mechanic's and Materialmen's Liens in Tennessee," *Construction News Newsletter* (January 2007)



## Speaking Engagements

- "Banking and Financial Industry Trends for In-House Counsel," Baker Donelson CLE program (July 2019)
- "Duty to Establish an Escrow Account for Retainage," 2018 Real Estate Law Conference for Tennessee Attorneys (October 2018)
- "Landlord-Tenant and Cemetery Law," 2018 Real Estate Law Conference for Tennessee Attorneys (October 2018)
- "Basics of Loan Documentation: Understanding Loan Documents and Practical Tips," presentation to portfolio managers and credit analysts from regional banks (November 2013)



## Education

- University of Tennessee College of Law, J.D., 1986, with high honors
- University of North Carolina, B.A., 1982



## Admissions

- Tennessee, 1986
- U.S. District Court, Middle District of Tennessee, 1992
- U.S. Court of Appeals, Eighth Circuit, 1989
- U.S. District Court, Western District of Tennessee, 1987
- U.S. Court of Appeals, Sixth Circuit, 1987