



## Zachary J. Bancroft

Shareholder

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Zach Bancroft is managing shareholder of the Firm's Orlando office and focuses his practice on the resolution of commercial loan defaults through workouts, foreclosure or bankruptcy litigation, with an emphasis on CMBS loans and other loans secured by commercial real estate.

Mr. Bancroft focuses his practice on the resolution of commercial loan defaults through workouts, foreclosure or bankruptcy litigation, with an emphasis on CMBS loans and other loans secured by commercial real estate. His clients include loan servicers (with an emphasis on special servicers), national banks, regional banks, private equity funds, insurance companies and automotive floor-plan lenders.

Mr. Bancroft also represents a wide variety of clients in general business litigation matters, and has successfully argued several appeals before Florida's appellate courts.

### Representative Matters

- During the COVID-19 pandemic, successfully completed the workout of over 10 CMBS loans with a total debt of over \$200 million.
- Represented a lender in connection with the foreclosure of a securitized loan with an amount in controversy of \$78 million secured by a retail center in Florida, prevailing in a bench trial and appeal.
- Represented a lender in connection with the workout of a \$20 million agricultural loan, including multiple forbearance agreements, a chapter 11 bankruptcy, two foreclosure filings and a settlement agreement which resulted in a full payoff to the lender.
- Represented a lender in the successful completion of the foreclosure of a \$135 million loan secured by an office park.
- Represented a client in the successful completion of the foreclosure of a large mixed use development with total debt of over \$100 million.
- Represented a client in the successful completion of the foreclosure of three assisted living facilities with a total debt of over \$75 million.
- Represented a special servicer as lead counsel, successfully negotiating the consensual foreclosure of a Florida retail center with a loan amount of approximately \$8 million. The borrower and guarantors were seeking certain releases, which were not provided as part of the settlement.
- Represented the lead lender in the foreclosure of a \$57 million participation loan on a condo-hotel located in Orlando, Florida. The foreclosure was the result of a settlement involving the inclusion of additional adjacent property, which allowed the lenders to quickly re-sell the property after foreclosure. The negotiations also involved the hotel maintaining its flag.
- Completed the \$12 million foreclosure of a mixed-use property. Managed the proceedings, appointed a receiver and negotiated a confidential settlement with a guarantor.
- Negotiated a consensual chapter 11 plan on behalf of a special servicer, resulting in the recovery of all attorneys' fees incurred in connection with a loan default both pre-and post-bankruptcy. The borrower remains current on the loan.
- Successfully represented a lender in the foreclosure of a student housing apartment complex in Tallahassee, Florida. The representation involved obtaining a rents sequestration order, appointment of a receiver, and a favorable ruling as to the contest maturity date of the loan. The foreclosure was complicated by the fact that there were over 30 borrowers structured as a "TIC Loan."

- Completed a confidential settlement agreement of a \$7 million deficiency judgment against guarantors on behalf of a national banking institution.
- Completed the \$4 million foreclosure of a distressed retail center. This was important to the client, as it was the first time they were required to foreclose on a Florida asset.
- Completed the \$3 million foreclosure of a distressed retail center involving environmental issues and a separate lawsuit involving the borrower and former owner.
- Completed the \$10.3 million foreclosure of a distressed retail center involving a dispute with the principal borrower about the turnover of rents and security deposits.
- Completed the \$3 million foreclosure of a medical and dental services-focused retail center, including the appointment of a receiver.
- Served as lead counsel on behalf of a banking client in pursuit of a guarantor of a commercial loan. The client sought a deficiency amount of over \$3 million. The matter was confidentially resolved prior to trial.
- Successfully represented automotive floor-plan lenders in multiple loan workouts, replevin actions, and bankruptcies, and in connection with dealership sales.
- Assisted two banks in recovering on a defaulted \$21 million loan secured by a Florida assisted living facility. Successfully petitioned for the appointment of a receiver and obtained a full payoff of all principal, interest, and legal fees.



## Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell since 2013
- Listed in *The Best Lawyers in America*® for Mortgage Banking Foreclosure Law, 2014 – 2024; Banking and Finance Litigation, 2021 – 2023; Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, and Litigation - Bankruptcy (2023, 2024)
- Listed in *Florida Trend* magazine as a "Legal Elite" in the area of Bankruptcy & Workout, 2015
- Named one of *Orlando Magazine's* Best Lawyers of 2014 – 2022 - Mortgage Banking Foreclosure Law
- Selected to *Florida Super Lawyers*, 2014 – 2023
- Selected to Florida Rising Stars, 2011 – 2013
- Recognized as a Florida's Legal Elite Up & Comer 2013 by *Florida Trend* magazine



## Publications

- "Florida Supreme Court: No Safe Harbor for UCC Errors," republished September 21, 2022, in the *Daily Business Review* (August 2022)
- "Does the Florida Governor's Executive Order Stay Commercial Foreclosure Cases?" (April 3, 2020)
- "Agricultural Loans in Bankruptcy: A Lender's Guide to Special Issues in Maximizing Recovery," *Ag Banking* magazine (February 2019)
- "Overview of Bankruptcy," Chapter 17, *Florida Small Business Practice*, 8th Edition (January 2011)



## Speaking Engagements

- Presenter – "Join Baker Donelson at the IMN 11th Annual Bank Special Assets & Credit Officer's Forum (East)" (March 2022)
- "Receivership Powers and Remedies Across the Southeast," webinar (July 2013)
- "TIC Issues in Commercial Loans," client presentation (April 2013)
- "Selected Lender Liability Issues," client presentations (December 2012 and April 2013)
- Co-presenter – "Recent Trends in Lender Liability Claims," webinar (March 2013)
- "Distressed Real Estate for Investors" (March 2012)
- "Distressed Real Estate for Lenders: Getting Your Collateral Back" (November 2011)
- "Florida Distressed Real Estate: Practical Solutions" (September 2011)



## Education

- Wake Forest University School of Law, J.D., 1998
- Binghamton University, B.S. in Finance, 1995



## Admissions

- Florida, 1998
- U.S. District Court, Middle District of Florida, 1998
- U.S. District Court, Southern and Northern Districts of Florida, 2008