



Finance, Real Estate & Bankruptcy Law

The nation's financial and real estate markets have undergone dramatic changes in recent years. Foster Swift has helped clients stay ahead of the curve as they face new challenges.

Understanding that the finance and real estate industries often cross paths, we have developed a comprehensive group to better assist clients with their legal needs.

As a full-service practice, Foster Swift's Banking, Finance and Real Estate Group has successfully counseled financial institutions, businesses, insurance companies and individuals for more than 100 combined years. The group's reputation for excellence has been recognized by peer-reviewed publications such as *Michigan Super Lawyers* and *Best Lawyers in America*. Foster Swift has also been named a Tier 1 firm in **Real Estate Law and Banking and Finance Law** in Lansing by *U.S. News – Best Lawyers®* "Best Law Firms" in 2016-2021 and 2023-2024.

RELEVANT EXPERIENCE

Whether you are a lender or a company with financing needs, the Banking, Finance and Real Estate Group handles related issues for a wide variety of businesses. Among the services provided are:

- Asset recovery, preferences and lien avoidance actions
- Financial transactions
- Real Estate transactions
- Counsel and guidance to financial institutions on regulatory compliance issues
- Bankruptcy, workouts and receiverships
- Bank Mergers & Acquisitions
- Collection, foreclosure, forfeiture actions, eviction proceedings and claim and delivery actions
- Loan transactions for lenders and borrowers
- Land division and zoning issues
- Site condominiums, mixed use condominiums, condominium conversions, and condominiums within condominiums

ATTORNEYS

Shareholder

Scott A. Chernich
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Scott H. Hogan
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RELATED PRACTICES

Bankruptcy & Restructuring

Collections / Creditor - Debtor Rights

Corporate Finance, Governance & Securities

Financial Institution Law

Financial Institution Regulation & Compliance

Foreclosure

Landlord-Tenant

Real Estate Development

Real Estate Law

Real Estate Litigation



- Construction law matters including construction contracts, construction lien actions, and related litigation
- Environmental due diligence and Brownfield funding agreements
- Resolution of title disputes, title examinations, and title insurance claims
- Real estate brokerage law and property management contracts

Foster Swift has also represented property owners, builders, developers, and property management companies in legal proceedings throughout Michigan. Our attorneys have appeared in municipal and state administrative agencies and divisions, district and circuit courts, as well as in various courts of appeal.

AFFORDABILITY AND CONNECTIONS

Clients appreciate the value and results-oriented attitude we offer. By working closely with clients, we are able to customize fee arrangements that help meet their budget parameters. This allows us to provide the highest level of legal service at the lowest reasonable cost.

Our clients also rely on the professional working relationships our attorneys have developed with many key government and executive branch decision-makers, including state and federal financial institution regulators.

In short, Foster Swift provides comprehensive legal services to clients in banking, finance and real estate. Both institutional and individual clients benefit from the firm's deep experience, knowledge of the law and reputation for outstanding attention to service.



PUBLICATIONS & ALERTS

Court of Appeals Rules on Partial Lake Access Dispute, Returns Case to Trial Court for Further Proceedings, *Foster Swift Finance, Real Estate & Bankruptcy Law News*, April 25, 2024

Federal Trade Commission Prohibits Noncompete Agreements for Almost All U.S. Workers, Legal Challenges Expected, *Foster Swift Labor & Employment Law News E-blast*, April 24, 2024

Deadline Extended: Marketable Record Title Act Brings New Requirements for Preserving Land Restrictions & Easements, *Finance Real Estate & Bankruptcy Law News E-blast*, April 2, 2024

Michigan Supreme Court Says Excessive Interest is Still Illegal, No Matter What it is Called, *Foster Swift Finance, Real Estate & Bankruptcy News*, February 6, 2024

Important Q&A for Commercial Landlords Whose Tenants Seek Bankruptcy - Part Two, *Foster Swift Finance, Real Estate & Bankruptcy News*, February 5, 2024

Important Q & A for Commercial Tenants Whose Landlords Seek Bankruptcy - Part One, *Foster Swift Finance Real Estate & Bankruptcy News*, November 10, 2023

What are the Different Types of Easements?, *Finance Real Estate & Bankruptcy News*, June 28, 2023

Using Low-Cost DIY Legal Services: Risks Far Outweigh Benefits, *Foster Swift Business & Tax Law News*, January 24, 2023

How to Handle Bankruptcy Amid Record Levels of Debt in the Farm Industry, *Foster Swift Finance Real Estate & Bankruptcy Law News*, November 17, 2022

Tips for First-Time Commercial Real Estate Landlords, *Foster Swift Finance Real Estate & Bankruptcy Law News*, April 1, 2022

The Significance of the Consolidated Appropriations Act for Bankruptcy Trustees, *Thomson Reuters WestLaw Today*, July 27, 2021

What to Know When Your Customer Files for Bankruptcy, *Foster Swift Finance Real Estate & Bankruptcy Law News*, November 17, 2020

How Do Recent Michigan Supreme Court and MDHHS Orders Regarding COVID-19 Impact Employers?, *Foster Swift Legal Update E-blast*, October 6, 2020

Commercial Real Estate: Dealing with the Ongoing Impact of COVID-19, *Foster Swift Finance Real Estate & Bankruptcy Law News*, October 5, 2020

MDHHS Revives Face Mask Requirement, Gathering Limits, and Bar Restrictions through Emergency Order, *Foster Swift Coronavirus Resource Page and Eblast*, October 5, 2020

Michigan Supreme Court Upends Governor Whitmer's Authority to Issue Executive Orders, *Foster Swift Eblast & Coronavirus Resource Page*, October 2, 2020

Applying for a Michigan Small Business Grant, *Foster Swift Legal Update E-blast*, July 15, 2020

Emails to Your Personal Attorney May Not Be Privileged If Sent or Received on a Work-Provided Email Address, *Foster Swift Legal Update E-blast*, June 16, 2020

New PPP Legislation Provides Flexibility to Borrowers, *Foster Swift Legal Update E-blast*, June 5, 2020

An Update to PPP Certification, *Foster Swift Legal Update E-blast*, May 13, 2020



PPP Loan Certification – May 7 Deadline, *Foster Swift Legal Update E-blast*, May 5, 2020

A Guide to the Paycheck Protection Program: Eligibility, Application, and Loan Forgiveness Modeling, *Foster Swift Legal Update E-blast*, April 21, 2020

Economic Support for Agricultural Producers Under the CARES Act, *Foster Swift Agricultural Law News E-blast*, April 3, 2020

Key Details of the Paycheck Protection Program Under the CARES Act, *Foster Swift Legal Update E-blast*, April 3, 2020

Essentials of the SBA Economic Injury Disaster Loan Application Process for Your Business, *Foster Swift Legal Update E-blast*, March 26, 2020

Update to the Families First Coronavirus Response Act, *Foster Swift Legal Update E-blast*, March 20, 2020

Important Agricultural Property Tax Exemptions and Incentives You Should be Taking Advantage of in 2020, *Foster Swift Agricultural Law News*, January 23, 2020

The Small Business Reorganization Act—Coming to a Bankruptcy Court Near You in February 2020, *Foster Swift Finance Real Estate & Bankruptcy Law News*, November 4, 2019

Don't Overlook Legal Counsel When Addressing Agribusiness Financial Challenges, July 31, 2019

Beyond the Basics: Impact and Enforceability of Jury Waivers and Arbitration Provisions in Commercial Leases, *Foster Swift Finance, Real Estate & Bankruptcy Law News*, February 25, 2019

Plan Now for a Prosperous 2019, *Foster Swift Finance Real Estate & Bankruptcy Law News*, November 20, 2018

Beyond the Basics - Commercial Leases From a Tenant's Perspective, *Foster Swift Finance Real Estate & Bankruptcy Law News*, November 9, 2018

When an Inheritance Gets Entangled in a Bankruptcy Proceeding, Smart Estate Planning Can Help, *Foster Swift Finance Real Estate & Bankruptcy Law News*, October 31, 2018

Detroit Landlords and Enforcement of the City's Inspection Ordinance, *Foster Swift Finance, Real Estate & Bankruptcy Law News*, September 24, 2018

Court Protects Lakefront Landowners From Liability in Recent Injury Case, *Foster Swift Finance Real Estate & Bankruptcy Law News*, June 13, 2018

How to Avoid Bankruptcy and Build a Strong, Successful Business, *Foster Swift Finance Real Estate & Bankruptcy News*, March 1, 2018

Governor Signs Bill Adopting the Uniform Commercial Real Estate Receivership Act, *Foster Swift Finance, Real Estate & Bankruptcy Law News E-blast*, February 7, 2018

Michigan Enacts the New Uniform Voidable Transactions Act, *Foster Swift Finance, Real Estate & Bankruptcy News*, June 8, 2017

What Happens When a Landowner Encroaches Upon Public Property?, *Foster Swift Finance, Real Estate & Bankruptcy News*, June 8, 2017

Dower Rights are Abolished in Michigan, *Foster Swift Finance, Real Estate & Bankruptcy News*, February 7, 2017



Michigan Authorizes New Asset Protection Trusts, *Foster Swift Finance, Real Estate & Bankruptcy News*, February 7, 2017

An Ideal Time to Take on Your Accounts Receivable, *Foster Swift Finance, Real Estate & Bankruptcy News*, August 18, 2016

Zoning and the Fifth Amendment: When do Zoning Regulations "Go Too Far"?, *Foster Swift Finance, Real Estate and Bankruptcy News*, March 6, 2015

New Law Expands Property Tax "Uncapping" Exemptions for Family Cottage Transfers, *Foster Swift Finance, Real Estate & Bankruptcy News*, November 25, 2014

Foreclosed Property Purchaser Rights to Inspect Property after Notice, *Foster Swift Finance, Real Estate & Bankruptcy News*, June 12, 2014

New Changes to Michigan Foreclosure Law, *Foster Swift Banking, Finance & Real Estate E-News*, August 12, 2013

NEWS

Foster Swift to Welcome Attorneys and Staff from Loomis Law Firm, *EIN Newswire*, November 7, 2023

Foster Swift Listed in "Best Law Firms" 2024, *Best Lawyers in America*, November 2, 2023

Foster Swift Attorneys Named 2024 Best Lawyers in America, *Best Lawyers in America*, August 17, 2023

Titus Announced as "Go-To Lawyer" in Commercial Real Estate, *Michigan Lawyers Weekly*, June 20, 2023

Hamor Named an "Up and Coming Lawyer" by Michigan Lawyers Weekly, *Michigan Lawyers Weekly*, February 15, 2023

Foster Swift Elects Three New Shareholders, *Ingham County Legal News*, January 30, 2023

Foster Swift Listed in "Best Law Firms" 2023, *Best Lawyers "Best Law Firms"*, November 3, 2022

Foster Swift Attorneys Named 2023 Best Lawyers in America®, *Best Lawyers in America*, August 18, 2022

21 Attorneys Selected to 2022 Michigan Super Lawyers and "Rising Stars", *Michigan Super Lawyers*, August 12, 2022

Foster Swift Selects Hogan as Finance Practice Leader, July 29, 2022

Foster Swift Elects EC Members for 2022, February 21, 2022

Fedor and Genovich join Michigan State Bar Foundation Fellows, *Michigan State Bar Foundation*, November 11, 2021

Foster Swift Listed in "Best Law Firms" 2022, *Best Lawyers in America*, November 5, 2021

Foster Swift to Participate in Mansfield Rule Program Focused on Diversity in Leadership, September 14, 2021

Foster Swift Attorneys Named to 2022 Best Lawyers in America®, August 19, 2021

Firm Welcomes New Chief Operating Officer, *Grand Rapids Business Journal*, July 29, 2021

Foster Swift Attorneys Offer Advice for Those Interested in Law School, *Detroit Legal News*, April 29, 2021

Impact of COVID on Michigan's Workers' Comp Law, *Foster Swift Employer Services E-blast*, April 6, 2021

Weekly TV Show Launches to Help Businesses Navigate the Pandemic, *mConnexions*, March 15, 2021



Firm Elects EC Members and Practice Leaders in 2021, February 17, 2021

Patricia Scott Discusses Recent Receivership Act Amendment, *Michigan Business Network*, January 21, 2021

Virtual Event: Minimizing Cybersecurity Risks for Remote Working, *Foster Swift Business & Tax Law News*, December 1, 2020

Resource Published to Help Organizations Link to Trending Legal Issues, *Foster Swift Business & Tax Law News*, November 17, 2020

Foster Swift Listed in "Best Law Firms" 2021, *Best Lawyers*, November 5, 2020

The Benefits of Chapter 11 During Pandemic under Small Business Reorganization Act, *MiBiz*, November 2, 2020

SBA Will Issue Questionnaires to Borrowers of \$2 Million or More in PPP Loans, *Foster Swift Legal Update E-blast*, October 30, 2020

Hogan Covers Bankruptcy in Wake of COVID, October 6, 2020

Foster Swift Attorneys Named Best Lawyers® 2021 "Lawyer of the Year", August 20, 2020

2nd Wednesday Morning Break with Foster Swift, June 25, 2020

Foster Swift Listed in Best Lawyers® "Best Law Firms" 2020, November 1, 2019

23 Attorneys Selected to 2019 Michigan Super Lawyers and "Rising Stars", *Automation Alley*, September 3, 2019

Honor CU Welcomes Three New Associate Board Directors, *Honor Credit Union*, July 1, 2019

Foster Swift Announces Women in Leadership, *Michigan Business Network*, June 5, 2019

Scott Appointed Legal Counsel for Lansing Regional Chamber, April 10, 2019

Scott Appointed to the FBA Bankruptcy Steering Committee, January 23, 2019

Foster Swift Rated Tier 1 in 27 Practice Areas in Best Lawyers® "Best Law Firms", November 1, 2018

45 Foster Swift Attorneys Listed in Best Lawyers in America© 2019, August 15, 2018

Foster Swift Welcomes Four Attorneys, November 2, 2017

46 Foster Swift Attorneys Named to 2018 Best Lawyers in America®, August 21, 2017

Leading Southwest Michigan Law Firm DeFrancesco, Dienes & Smith, PLLC to Join Foster Swift Collins & Smith, PC

21 Foster Swift Attorneys named to 2015 Michigan Super Lawyers and Michigan Rising Stars, September 8, 2015

44 Foster Swift Attorneys Named to 2016 Best Lawyers in America® Roster, August 21, 2015

Upcoming Webinar Series: Collect Your Money in Bankruptcy, June 18, 2015

Foster Swift Attorney Randall Harbour named to position in the American Bar Association, August 20, 2013

21 Foster Swift Attorneys named to 2011 Michigan Super Lawyers; 4 named Michigan Rising Stars, September 12, 2011

Foster Swift's 2011 Best Lawyers, August 17, 2010



Foster Swift Announces 2009 Best Lawyers, August 18, 2009

Best Lawyers Names Brent Titus "Lansing Real Estate Lawyer of the Year", February 12, 2009

EVENTS

The Latest on the Corporate Transparency Act, *Michigan Business Network: Michigan Business Beat*, December 12, 2023

Airboss Decision Impact Decades Long Practices, *Michigan Business Network: Michigan Business Beat*, December 8, 2023

How do Businesses get Ready for the Upcoming Corporate Transparency Act?, *Foster Swift Second Wednesday Lunch Break*, March 8, 2023

Policy & Regulatory Education Series: Corporate Transparency Act, *Lansing Regional Chamber of Commerce*, February 7, 2023

What Does 2022 Hold for Employers?, *Foster Swift 2nd Wednesday Morning Break*, January 12, 2022

Bankruptcy Notice: All is Not Lost—How to get Money Out of a Bankruptcy?, *Foster Swift 2nd Wednesday Morning Break*, November 10, 2021

Tax Issues Associated with Financially Distressed Clients, *MICPA: 2021 Agribusiness Conference*, October 21, 2021

Data Privacy: Shifting Focus From Preventing to Preparing, *Foster Swift 2nd Wednesday Morning Break*, October 13, 2021

Case Law Update, *Federal Bar Association's Bankruptcy Seminar*, September 24, 2021

Restaurant, Hotel and Other Hospitality Issues, *Federal Bar Association's Bankruptcy Seminar*, September 24, 2021

SBRA Deep Dive, *Federal Bar Association's Bankruptcy Seminar*, September 24, 2021

Keeping Your Business's Intellectual Property Safe, *Foster Swift 2nd Wednesday Morning Break*, September 8, 2021

Your College-Bound Child and the Law, *Foster Swift 2nd Wednesday Morning Break*, August 11, 2021

Best Practices for Navigating Our Virtual World, *Western District of Michigan (Bankruptcy Best Practices Seminar)*, July 19, 2021

Making an Appropriate Evidentiary Record for the Relief You Seek, *Western District of Michigan (Bankruptcy Best Practices Seminar)*, July 19, 2021

The Good Debt Collector, *Michigan Defense Trial Counsel (MDTC)*, June 23, 2021

What Can Employers Expect Returning to Work?, *Foster Swift 2nd Wednesday Morning Break*, June 9, 2021

Learn the Basics of Women Owned Small Business Certification, *Foster Swift 2nd Wednesday Morning Break*, May 12, 2021

Impact of COVID on Michigan's Workers' Compensation Law, *Foster Swift 2nd Wednesday Morning Break*, April 14, 2021

COVID Stimulus Options for Businesses, *Foster Swift*, February 10, 2021



What Happens If MIOSHA Shows Up?, *Foster Swift*, January 13, 2021

Minimizing Cybersecurity Risks for Remote Working, *Foster Swift*, December 10, 2020

Consumer Case Law Update, *American Bankruptcy Institute: Consumer Bankruptcy Forum*, November 11, 2020

The Current Status of COVID Orders in Michigan, *Foster Swift*, November 11, 2020

Chapter 5 & 12 Farm Bankruptcy Reorganization Statutes, *MICPA CPE Mega Conference*, October 22, 2020

Bankruptcy in Wake of COVID, *Foster Swift*, October 14, 2020

Commercial Real Estate Concerns in the new COVID Environment, *Foster Swift*, September 9, 2020

Creative Collections, *Foster Swift Morning Break*, July 8, 2020

The PPP Loan Forgiveness Form is Out: Next Steps to Ensure Forgiveness for your PPP Loan, *Foster Swift*, May 21, 2020

Michigan Executive Order 2020-41 Impacts On Notarization, *Michigan Business Network*, April 20, 2020

Sheriff's Deeds, *Michigan Association of Register of Deeds; Annual Summer Conference*, September 17, 2019

Case Law Update, *Federal Bar Association Bankruptcy Section*, July 26, 2019

Marijuana - Up in Smoke, *Federal Bar Association Bankruptcy Section*, July 26, 2019

Current Chapter 13 and Chapter 7 Bankruptcy Topics and Issues, *BANKRUPTCY BEST PRACTICES SEMINAR 2018*, October 16, 2018

Bankruptcy Best Practices Seminar, *Office of the United States Trustee*, December 13, 2017

Bankruptcy Case Law Update, *Detroit Consumer Bankruptcy Conference: American Bankruptcy Institute*, November 10, 2017

Recent Decisions Impacting Bankruptcy Practice in the Western District of Michigan, *Federal Bar Association*, August 1, 2015

Bankruptcy 101, *NALS of Lansing*, June 10, 2015

What Every Treasurer Should Know About Bankruptcy, *Livingston County Treasurers' Association*, June 9, 2015

Nuts and Bolts of Bankruptcy Practice, *Federal Bar Association*, April 30, 2015

WEBINAR | The Borrower in Bankruptcy: Top 10 Mistakes Banks & Lenders Make in Consumer Bankruptcy Cases, *Foster Swift*, April 28, 2015

What Every Treasurer Should Know About Bankruptcy, *Bay County Treasurers' Association*, April 21, 2015

Chapter 7 Bankruptcy Issues, *2014 Bankruptcy Best Practices Seminar*, September 18, 2014

Consumer Protection Examination and Enforcement by the Federal Banking Agencies, *ABA Banking Law Committee Annual Meetings*, August 2011

Changes in Mortgage Foreclosure Law, January 1, 2009
