



Michelle Powe Marvinney

Senior Counsel | Corporate

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OVERVIEW

Michelle is Senior Counsel in WH Burkley's Corporate Group. She helps financial institutions, businesses, and individuals structure, document, restructure, and close lending transactions in traditional middle-market, asset-based, real estate, healthcare, nonprofit, construction, and other lending arenas. With her public accounting background, Michelle thinks through each transaction, asks important questions, pays attention to details, and efficiently completes engagements. She strives to benefit clients beyond simply documenting the deal.

Michelle also counsels clients in their purchases, sales, and leases of real property. Michelle values a team approach to thoroughly, yet efficiently, help clients accomplish their goals.

Michelle is an Extraordinary Minister of Holy Communion at her home parish of St. Albert the Great and has volunteered both there and at Magnificat High School. In her free time, Michelle enjoys running.

EXPERIENCE

CORPORATE TRANSACTIONS

FINANCIAL SERVICES & LENDING

- Counsels financial institution clients in the structuring of new loan transactions to finance acquisitions, new construction, renovation, and operations.
- Counsels financial institution clients in loan transactions with healthcare organizations, focusing on collateral protection.

- Counsels financial institution clients in the refinancing and modification of existing lending relationships.
- Prepares loan documents in transactions ranging from small unsecured loans with a single borrower to more complex transactions with multiple borrowers and guarantors, with a variety of collateral.
- Documents collateral consisting of real property, accounts, inventory, equipment, rolling stock, general intangibles, certificates of need, contracts, licenses, leases, cell tower leases and oil and gas leases.
- Concludes lending transactions in varying locations including the states of Ohio, Pennsylvania, Maine, North Carolina, Texas, New York and Florida.
- Concludes lending transactions involving various industries including multi-family, senior living (independent living, assisted living and skilled nursing), oil and gas, manufacturing, service, education and non-profit industries.
- Analyzes and documents a variety of financial covenants and reporting obligations, consistent with the form and substance of the credit approval, in an effort to provide meaningful information to the financial institution, consistent with the borrower's size, industry and operations.
- Represents individual and organizational borrowers in the review and negotiation of loan documents on their behalf.

CREDITORS RIGHTS AND BANKRUPTCY

- Counsels financial institution clients in the restructuring of existing lending relationships.
- Counsels and assists financial institution clients in the preparation of forbearance agreements and related documents.
- Reviews and analyzes loan documentation and collateral positions in connection with troubled loans.
- Represents individual and organizational borrowers in refinancing their obligations, including the review and negotiation of loan modification agreements.

TRANSACTIONAL SERVICES

- Assists clients in acquisitions and sales of various assets and businesses, including conducting and reviewing due diligence.
- Prepares routine organizational documentation.

REAL ESTATE SERVICES

REAL ESTATE DEVELOPMENT AND FINANCE

- Counsels financial institution clients in the structuring of new loan transactions to finance acquisitions, new construction and renovation of real property.
- Prepares construction loan documents.
- Assists buyers and sellers of commercial and residential properties by drafting and reviewing purchase agreements, monitoring due diligence and closing the transaction.

LEASING

- Assists landlords in the preparation and negotiation of leases of commercial and residential properties.
- Assists tenants in the preparation and negotiation of leases of commercial and residential properties.
- Assists lenders in due diligence review of leases and in preparation and negotiation of estoppel certificates, subordination, non-disturbance and attornment agreements.
- Advises lenders and landowners regarding oil and gas leases.

RECOGNITION

- *ALM* – Women Leaders in the Law | 2015

ASSOCIATIONS

- Commercial Real Estate Women | Member
- Cleveland Metropolitan Bar Association | Member
- Ohio State Bar Association | Member

EDUCATION

- Case Western Reserve University School of Law, J.D.
- Miami University, B.S.
- Certified Public Accountant, Ohio – inactive

FOCUS

- Corporate

LICENSED

- Ohio
- United States District Court, Northern District of Ohio

OFFICE

- Cleveland