



Matthew A. Drewes

Attorney

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Minneapolis

Matt is a litigator who focuses his practice where business and real estate intersect. He views his role as helping clients identify issues, develop strategies and solve problems; when needed, he is ready to step in and litigate disputes. Matt enjoys hearing the stories behind his clients' businesses, seeing their completed projects, and understanding the hard work and process that goes into making those projects a reality. He enjoys working with builders, design professionals, real estate owners and investors, developers, contractors, building managers, brokers and community associations on a range of issues, including drafting, revising, or simply interpreting and enforcing corporate documents and contracts, and has extensively litigated litigating construction defect and insurance coverage disputes, as well as creditors' remedies (i.e., collections) matters.

He also represents individuals, local and national banks, and businesses ranging from small family-owned companies to international corporations, including automotive dealers and aftermarket vendors. He has substantial expertise in matters involving corporate or business ownership, including disputes regarding LLC member's rights under operating agreements and compensation arrangements, advising logistics companies and materials suppliers in disputes around the country, and developing new compensation structures for company executives, among other things. He has served as a mediator on an international contract dispute implicating the UN Commission on Foreign Trade, and as an appraiser on an insurance appraisal panel.

Matt has been recognized by his inclusion in U.S. News and World Report's listing of The Best Lawyers In America®, as well as the list of Minnesota's *Rising Stars*, a distinction afforded to only 2.5% of Minnesota attorneys in any given year. He has been quoted in numerous articles related to his real estate and litigation practice, including those published online at msn.com, YahooFinance.com and Bankrate.com, and in print in Minnesota Lawyer. Matt has also been asked to serve as co-chair for the Hennepin County Bar Association's Real Estate Section.

Matt also has particular expertise in legal matters relating to community associations, including working extensively with community property managers, management companies and boards of directors for homeowners associations and has been a leader in the industry, sitting on the Board of Directors and even as President for the Minnesota Chapter of Community Associations Institute, an international organization helping to educate and promote the vision of better run communities. He has been quoted in and authored scores of articles in this field as well, including those appearing at HOALeader.com, Habitat Magazine and the Minneapolis *StarTribune*, as well as *Minnesota Community Living Magazine* and CIC Midwest News, and has presented at seminars in Minnesota and on national webcasts on topics that affect community associations and their managers.

Outside the firm, Matt enjoys spending time with his family at the lake and his kids' sporting events, and reading, talking about and looking at cars.

Notable Representations

Real Estate

- Advised a group of investors engaged in reinstating a prior investment vehicle used to develop a real estate project and a subsequent 29-unit purchase and sale, including purchasing a portion of pre-existing debt related to the project and obtaining new financing.
- Advised developers in formation of community associations, considerations relating to organizational structure, and construction contracts.
- Guided entity facing substantial losses due to an agent's fraud in the recovery of substantial sums resulting in a more favorable outcome than other victims who were advised to pursue more costly and less successful strategies.
- Represented a national restaurant and bar chain in litigation involving claims in excess of \$5 million for rent and property damage in a high-profile site.
- Assisted community associations in disputes of all kinds including with developers, contractors, insurance companies, owners, neighboring property owners, governmental agencies, and other issues relating to governing documents, policies and procedures.
- Obtained summary judgment establishing adverse possession against multiple neighboring landowners in a hotly contested boundary dispute.
- Defended a real estate agent and brokerage against claims of negligence and fraud, including successfully briefing and arguing plaintiff's motion to amend the complaint on the second day of trial, and obtaining a zero jury verdict
- Prosecuted and defended numerous disputes involving interests in real estate, including mechanic's liens, leases, partition actions, boundary disputes, title, and other matters.
- Represented property owners through summary judgment and, at trial, established defendant was a general contractor and had not earned fees by abandoning project.

Business/Logistics/Employment Matters

- Advised general counsel for one of the three most highly circulated newspapers in the world regarding collection practices.
- Advised client engaged in dispute filed in the Northern District of California by technology fund over ownership of intellectual property rights related to software application for the delivery of medical services.
- Within two days of learning that a financial institution erroneously issued a wire transfer of almost \$200,000 over the intended transfer amount, obtained a complete refund by the financial institution on behalf of an automotive dealership.
- Represented logistics and transportation companies involved in matters throughout the country, including catastrophic injury matters, contract enforcement and insurance coverage disputes.
- Obtained recovery for automotive reseller and dealer in dispute regarding management, control, and division of profits of combined dealership venture.
- Developed a strategy for structuring employment and compensation for executives in a startup to facilitate both growth of the business while maintaining the executives' earning potential.
- Represented auto dealership in bankruptcy of a check cashing service to obtain a priority status for a portion of its claim and advised regarding the availability and merit of other arguments resulting in a greater net recovery than other creditors who were less discerning in their strategies.
- Represented a business or a highly compensated employee or seller of business in numerous actions, including seeking emergency injunctive relief, to enforce non-competition, non-solicitation, and/or trade secret protection provisions.
- Represented a business in the interpretation and enforcement of a stock purchase agreement that became the subject of a determination of whether the stock was properly a part of the bankruptcy estate, including litigating the matter in bankruptcy court in Texas.

Construction Litigation

Successfully represented community associations and other parties in construction defect matters relating to negligence, breach of contract, and/or breach of warranties resulting in millions of dollars in recoveries, including:

- In a complex, 20-party lawsuit, elicited deposition testimony eliminating affirmative defenses, successfully opposed multiple motions for summary judgment, and negotiated the resolution of a construction defect suit involving claims in excess of \$10 million.
- Negotiated a settlement in a construction defect matter resulting in the complete replacement of the roofs, plus additional inspection and repair protocols in a community association on a project estimated at approximately \$2 million.

Creditor's Remedies and Bankruptcy

- Successfully tried a case involving dischargeability issues in bankruptcy court, and argued appeals

before the Bankruptcy Appellate Panel for the Eighth Circuit and the Eighth Circuit Court of Appeals.

- Represented banks and other creditors in matters involving bankruptcy, replevin, foreclosure, eviction, and negotiated workouts, recovering multi-million dollar judgments for clients and, on one occasion, the removal of a wall constructed in a commercial building to conceal a Ferrari, which was then seized as part of collection efforts.
- Guided numerous creditors through chapter 7, 11, and 13 bankruptcy matters, including motions to lift the bankruptcy stay to proceed with foreclosures and other forms of litigation.

Insurance

- Successfully litigated insurance coverage disputes in the context of construction defect claims, resulting in six figure settlements paid by multiple insurance carriers.
- Retained as an appraiser to serve on the appraisal panel to determine the amount of the loss in a partial collapse involving a mixed-use commercial building containing residential and retail tenants.
- Represented property owners through summary judgment and, at trial, established defendant was a general contractor and had not earned fees by abandoning project.

Other Articles

- Twin Cities area condo owners worry after Florida tower's collapse, *Minneapolis StarTribune* (quoting Matthew A. Drewes), July 12, 2021
- If a Communication Smells Phishy, Proceed With Caution, *Minnesota Community Living Magazine*, Fall 2021
- Can You Mail it in for Your Annual Meeting? Making a Case for Mailed Ballots, *Minnesota Community Living Magazine*, Fall 2020
- Reasonable Expectations for Board Members, *Minnesota Community Living Magazine*, Summer 2020
- Remote Meeting Requirements as Promoted by Men Without Hats - a/k/a The Safety Dance, *Minnesota Community Living Special 2020 Edition*
- Midnight in the Garden of Good and Evil . . . Contracts?, *Minnesota Community Living Magazine*, Spring 2020
- Droning On: How Will Drones Impact Your Association?, *Minnesota Community Living Magazine*, Winter 2019
- Governing Documents: What Are They and What do They Mean?, *Minnesota Community Living Magazine*, Fall 2019
- Facing Fraud: Where to Turn When Money Turns Up Missing, *Minnesota Community Living Magazine*, Summer 2019
- "I Walk the Line" Johnny Cash Helps Explain Why Spring Walk-Throughs Are Important, How to

Conduct Them, and What to do With the Results, *Minnesota Community Living Magazine*, Spring 2019

- Free and Clear, *Common Ground Magazine*, *Community Associations Institute* (quoting Matthew A. Drewes), November/December 2018
- The New Reality of Maintenance Matrixes, *Minnesota Community Living Magazine*, Spring 2018
- Tackling the Short-Term Rental Blitz Before Super Bowl 52 Hits Minnesota, *Minnesota Community Living Magazine*, Winter 2017
- “Board” to Tears? Not if You Know Your Role, *Minnesota Community Living Magazine*, January/February 2016
- Please Consider the Environment Before Printing This Message: Can (and Should) Your HOA Use Electronic Meeting Notices and Ballots?, *Minnesota Community Living Magazine*, May/June 2015
- Mastering Disaster? How to Handle Insurance Claims, *Minnesota Community Living Magazine*, March/April 2015
- A Construction and Insurance Dispute Lawyer’s Perspective on Solar Panel Installation, *Minnesota Community Living Magazine*, January/February 2015
- The Offseason, *Minnesota Community Living Magazine*, November/December 2014
- Accommodation or Modification Under the FHA (What do they mean and how will you know how to answer a request? (Part 2 of 2), *Minnesota Community Living Magazine*, July/August 2014
- Recognizing Stars, *Minnesota Community Living Magazine*, July/August 2014
- Accommodation or Modification Under the FHA (Part 1 of 2), *Minnesota Community Living Magazine*, May/June 2014
- Starting (and Staying) Strong, *Minnesota Community Living Magazine*, May/June 2014
- Get into the Swing of Spring, *Minnesota Community Living Magazine*, March/April 2014
- Leading Off, *Minnesota Community Living Magazine*, January/February 2014
- Stick to Your Guns Without Shooting Yourself in the Foot: Enforcing Your Governing Documents and Rules, *Minnesota Community Living Magazine*, May/June 2012
- Ice Dams: Answers to Five Frequently Asked Questions, *Minnesota Community Living Magazine*, September/October 2011
- Home Warranty Statutes Amended, Warranting Special Attention, *Minnesota Community Living Magazine*, March/April 2011
- Time, and the Statute of Repose, Wait for No Man (or Woman, or Community Association), *Minnesota Community Living Magazine*, November/December 2010
- FCC Rule Against Exclusive Cable Provider Access in CICs Upheld by Federal Appeals Court, *CIC Midwest News*, Winter 2010
- How should you title your home?, Bankrate.com (quoting Matthew A. Drewes), March 2010
- Did Your Developer Plant Strong Financial Roots?, *Minnesota Community Living Magazine*, July/August 2008
- Is Your Association Starting on the Right Financial Foot? A Primer on the Developer’s Obligations, *CIC Midwest News*, Winter 2008

- Bulk Cable: Not an Exclusive Relationship Any Longer, *Minnesota Community Living Magazine*, July/August 2008
- Associations and Managers Both Benefit if Expectations are Managed, *Minnesota Community Living Magazine*, July/August 2007

Expertise

- Business
- Litigation
- Commercial Litigation
- Construction Litigation
- Insurance Coverage
- Real Estate Litigation
- Real Estate
- Transportation and Logistics

Education

- J.D., *cum laude*, University of Minnesota Law School, Minneapolis, Minnesota
- B.A., *cum laude*, Concordia College, Moorhead, Minnesota

Admissions

- Minnesota
- U.S. Court of Appeals – Eighth Circuit
- U.S. District Court – Dist. of Minnesota
- U.S. District Court – Dist. of North Dakota

Affiliations/Recognitions

- Section Co-Chair -Real Estate (2021) -Hennepin County Bar Association
- Chapter President (2018) – Community Associations Institute (Minnesota Chapter)
- Board Member (2014-2019) -Community Associations Institute (Minnesota Chapter)
- Member – Minnesota State Bar Association
- Member –Hennepin County Bar Association