



## Matthew A. Drewes

### Attorney

mad@dewittllp.com

612-305-1408

Minneapolis

Matt views his role as a problem solver, whose success depends on using the tools available under the law to achieve those solutions. Early in his career, Matt managed the Twin Cities office of a boutique firm practicing in the areas of business and real estate litigation and transactions. While Matt's background allows him to assist clients with virtually all business law and real estate matters, he practices primarily in the areas of Commercial Litigation, Community Association Law, Construction Litigation, Creditors Remedies and Debtor/Creditor Law, Real Estate Litigation and Insurance Litigation. He has also served as a mediator on an international contract dispute implicating the UN Commission on Foreign Trade, and has served as an appraiser on an insurance appraisal panel.

Matt has been recognized by his inclusion in the list of Minnesota's *Rising Stars*, a distinction afforded to only 2.5% of Minnesota attorneys in any given year. Matt's credentials also include authoring articles for *Minnesota Community Living Magazine* and *CIC Midwest News*, presenting at seminars on topics that affect community associations and their managers, and serving as the Chapter President of the Community Associations Institute – Minnesota Chapter, a national organization dedicated to serving and educating members of the community association industry. Matt also has been quoted extensively in articles published online at [msn.com](http://msn.com), [YahooFinance.com](http://YahooFinance.com), [Bankrate.com](http://Bankrate.com), and [HOAleader.com](http://HOAleader.com), and in print in *Minnesota Lawyer*, *Habitat Magazine*, and the *Minneapolis StarTribune* (see Published Works section).

### Clients

Matt's clients include individuals, local and national banks, businesses ranging from small family-owned companies to international corporations, as well as real property investors, developers, and contractors. He also works with property managers, management companies and boards of directors

for numerous homeowners associations on matters ranging from document interpretation and drafting, to collections, as well as construction defect and insurance coverage litigation.

## Notable Representations

### • **Real Estate**

- 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.
- Advised a group of investors engaged in reinstating a prior 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.
- 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.

### • **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.
- Represented property owners through summary judgment and, at trial, established defendant was a general contractor and had not earned fees by abandoning project.

### • **Business/Employment Litigation**

- Retained by general counsel's office for one of the most highly-circulated newspapers in the world to advise 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.
- 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 being contested in bankruptcy court in Texas.
- **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.
- 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.
- **Creditor's remedies**
- 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.
- **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.

#### Published and Quoted Articles

- Remote Meeting Requirements as Promoted by Men Without Hats - a/k/a The Safety Dance, Minnesota Community Living Special 2020 Edition
- Boards Best Response When an HOA Owner Builds Without Permission, HOAleader.com (quoting Matthew A. Drewes) December 2019
- How to Handle an HOA Owner Trying to Steamroll New Board, HOAleader.com (quoting Matthew A. Drewes) December 2019
- When Condo | HOA Owners Don't Pay Out Personal Account, HOAleader.com (quoting Matthew A. Drewes) December 2019
- Whooo Should Install Barn Owl Box in HOA? HOAleader.com (quoting Matthew A. Drewes) December 2019

- Can This HOA Board Vote Change Meeting Date by Email?  
HOAleader.com (quoting Matthew A. Drewes) December 2019
- California's New Accessory Dwelling Unit Law – What HOA Boards Need to Know,  
HOAleader.com (quoting Matthew A. Drewes) December 2019
- What to do When Kids Playing in Hallways Disturbs Condo Neighbors,  
HOAleader.com (quoting Matthew A. Drewes) December 2019
- Kids Playing in Condo Hallways – Enforcement May Be Tricky,  
HOAleader.com (quoting Matthew A. Drewes) December 2019
- FHA Certification – How to Check Your Status and Get Application Started,  
HOAleader.com (quoting Matthew A. Drewes) December 2019
- Seen These New Ploys Condo/HOA Owners Are Deploying to Beat Your Rental Restrictions?,  
HOAleader.com (quoting Matthew A. Drewes), December 2018
- Condo/HOA Owners Are Crafty! Another Way to Try to Get Around Rental Restrictions,  
HOAleader.com (quoting Matthew A. Drewes), December 2018
- Free and Clear, *Common Ground Magazine, Community Associations Institute*  
(quoting Matthew A. Drewes), November/December 2018
- New California Law Seeks to Prevent Condo, HOA Fraud; How You Can Benefit, Too,  
HOAleader.com (quoting Matthew A. Drewes), November 2018
- Privacy Laws and Your Condo/HOA's Data: 6 Steps to Protect Owners' Data,  
HOAleader.com (quoting Matthew A. Drewes), November 2018
- 6 Steps to Safeguarding the Personal Info Your Owners' and Residents' Give Your Condo or HOA,  
HOAleader.com (quoting Matthew A. Drewes), November 2018
- When Can You Waive Provisions in Your Condo/HOA Governing Documents (to Allow Hunting)?,  
HOAleader.com (quoting Matthew A. Drewes), November 2018
- Virginia Allows Electronic Meetings; Is a Totally Remote Condo/HOA Meeting Wise?,  
HOAleader.com (quoting Matthew A. Drewes), November 2018
- What to Do When Your Condo/HOA Residents Conceal Ownership Information,  
HOAleader.com (quoting Matthew A. Drewes), November 2018

- Is It Time to Carry an Umbrella (Policy, We Mean) to Shield Your Condo/HOA?, HOAleader.com (quoting Matthew A. Drewes), November 2018
- How to Prevent Theft in Your Condo, HOA's Common Areas, HOAleader.com (quoting Matthew A. Drewes), November 2018
- How To Handle An HOA Board At War Against Itself, HOAleader.com (quoting Matthew A. Drewes), May 26, 2017
- Who Can Call HOA Meetings? What If There's An Emergency (And Is This An Emergency?), HOAleader.com (quoting Matthew A. Drewes), May 2017
- The Latest News On E-Voting For HOAs, HOAleader.com (quoting Matthew A. Drewes), May 2017
- When Your Lawyer Should Be Your Date At Your HOA Meeting, HOAleader.com (quoting Matthew A. Drewes), May 19, 2017
- 4 Situations Where You Should Insist Your Lawyer Attend Your HOA's Meetings, HOAleader.com (quoting Matthew A. Drewes), May 2017
- Did This Board Blow It By Not Letting Owners See A Buyout Offer?, HOAleader.com (quoting Matthew A. Drewes), May 2017
- Don't Drive On HOA Sidewalks, And Other Absurd Things You Have To Tell Residents, HOAleader.com (quoting Matthew A. Drewes), May 12, 2017
- Think You've Heard It All At Your HOA? We've Got A New One: Sidewalk Driving, HOAleader.com (quoting Matthew A. Drewes), May 2017
- Can You Have "Working" HOA Meetings And Exclude Homeowners, HOAleader.com (quoting Matthew A. Drewes), May 2017
- Here's A Tactic For Meeting Away From The Gaze Of Those Meddlesome HOA Owners, HOAleader.com (quoting Matthew A. Drewes), May 5, 2017
- Let's Make a Deal! Putting Owners to Work to Pay Off HOA Fees, HOAleader.com (quoting Matthew A. Drewes), June 20, 2014
- When HOA Owners Say, "Those New Rules Don't Apply to Me!," HOAleader.com (quoting Matthew A. Drewes), June 13, 2014
- Recalls, Part II: What Can You Learn from this HOA's Bitter Recall Fight?, HOAleader.com (quoting Matthew A. Drewes), June 2014

- Do Big HOA Rule Changes Require Exemptions? And What's a Fair Pet Deposit?,  
HOAleader.com (quoting Matthew A. Drewes), June 2014
- Can You—and Should You—Help HOA Owners in Dire Financial Straits?,  
HOAleader.com (quoting Matthew A. Drewes), June 2014
- Who Fixes What in HOA Units After a Disaster?,  
HOAleader.com (quoting Matthew A. Drewes), June 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
- When Security Clashes with HOA Aesthetics, Which Wins?,  
HOAleader.com (quoting Matthew A. Drewes), March 2014
- Get into the Swing of Spring,  
*Minnesota Community Living Magazine*, March/April 2014
- Leading Off,  
*Minnesota Community Living Magazine*, January/February 2014
- More HOA Meeting Minute Madness: When Can Minutes Be Changed?,  
HOAleader.com (quoting Matthew A. Drewes), November 2013
- What's Your Duty When Fellow HOA Board Members Violate Governing Documents?,  
HOAleader.com (quoting Matthew A. Drewes), November 2013
- When HOA Owners Speak Up, Respond Wisely,  
HOAleader.com (quoting Matthew A. Drewes), September 10, 2013
- Know How to Respond to HOA Owners' Concerns,  
HOAleader.com (quoting Matthew A. Drewes), September 2013
- 7 Tips to Keep HOA Legal Fees in Check,  
HOAleader.com (quoting Matthew A. Drewes), August 2013

- HOA Owners and Security Cameras: OK or No Way, HOAleader.com (quoting Matthew A. Drewes), August 2013
- Smart Rules for Your HOA Meetings Open Forum, HOAleader.com (quoting Matthew A. Drewes), August 2013
- When You Can – and Can't – Extend Your HOA's Vote Deadline, HOAleader.com (quoting Matthew A. Drewes), May 2013
- Should Your HOA Delay – Not Ban – Rentals?, HOAleader.com (quoting Matthew A. Drewes), May 2013
- Smart HOAs Get Tenants on Their Side, HOAleader.com (quoting Matthew A. Drewes), March 8, 2013
- Restarting Your HOA? Where to Begin, HOAleader.com (quoting Matthew A. Drewes), March 2013
- Court Says HOA Can Issue Speeding Tickets; What's next, Undercover Ops?, HOAleader.com (quoting Matthew A. Drewes), March 2013
- Getting Tenants Invested in Your HOA, HOAleader.com (quoting Matthew A. Drewes), March 2013
- Stick to Your Guns Without Shooting Yourself in the Foot: Enforcing Your Governing Documents and Rules, *Minnesota Community Living Magazine*, May/June 2012
- When a Board is Afraid to Take the Heat on a Controversial Topic, HOAleader.com (quoting Matthew A. Drewes), May 25, 2012
- Should This HOA Board Member Resign?, HOAleader.com (quoting Matthew A. Drewes), May 18, 2012
- Distributing Minutes: Can Your HOA Save Money?, HOAleader.com (quoting Matthew A. Drewes), May 2012
- Is a Rule Prohibiting HOA Dues Increases Valid—Smart?, HOAleader.com (quoting Matthew A. Drewes), May 2012
- Should a Board Member in Foreclosure—But Current on HOA Dues—Resign?, HOAleader.com (quoting Matthew A. Drewes), May 2012

- Can an HOA Board go into Executive Session to Dodge Controversy? Discussion Forum Follow-Up , HOAleader.com (quoting Matthew A. Drewes), May 2012
- What Should Your HOA Do to Prevent Hoarding?, HOAleader.com (quoting Matthew A. Drewes), May 2012
- What Should HOAs Learn from the Trayvon Martin Tragedy?, HOAleader.com (quoting Matthew A. Drewes), May 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
- State HOA Registration Requirements—What You Should Know, HOAleader.com (quoting Matthew A. Drewes), February, 2011
- How Solvent is Your HOA Manager—and Should You Care?, HOAleader.com (quoting Matthew A. Drewes), February 2011
- Would Term Limits Be Good for Your HOA Board of Directors, HOAleader.com (quoting Matthew A. Drewes), January 28, 2011
- Do You Have What It Takes to Be a Good HOA Board Member?, HOAleader.com (quoting Matthew A. Drewes), January 14, 2011
- Requiring Neighbor Approval of Owners' Modifications; Discussion Forum Follow-Up, HOAleader.com (quoting Matthew A. Drewes), January 2011
- The Pros and Cons of Term Limits for HOA Board Members, HOAleader.com (quoting Matthew A. Drewes), January 2011
- 10 Traits of Successful HOA Board Members, HOAleader.com (quoting Matthew A. Drewes), January 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,



- How to End Email Harassment,  
HOAleader.com (quoting Matthew A. Drewes), August 27, 2010
- What You Should Know about Nominating Committees for HOA Board Positions,  
HOAleader.com (quoting Matthew A. Drewes), August 20, 2010
- New-Owner Welcome Kit: The Whys and Hows,  
HOAleader.com (quoting Matthew A. Drewes), August 13, 2010
- Selecting a New HOA Board Member: How to Choose,  
HOAleader.com (quoting Matthew A. Drewes), August 6, 2010
- Smart Practices for Association Parties,  
HOAleader.com (quoting Matthew A. Drewes), August 2010
- What to Consider When You Appoint a New HOA Director; 4 Tips,  
HOAleader.com (quoting Matthew A. Drewes), August 2010
- HOA Board Elections: What's a nominating Committee? Can You Use One? Should You?,  
HOAleader.com (quoting Matthew A. Drewes), August 2010
- Discussion Forum Follow-Up: Stopping Harassing E-mails,  
HOAleader.com (quoting Matthew A. Drewes), August 2010
- What Should Be in Your New-Owner Welcome Kit?,  
HOAleader.com (quoting Matthew A. Drewes), August 2010
- Common Dog Rules: Does Your HOA Need Them?,  
HOAleader.com (quoting Matthew A. Drewes), August 2010
- How should you title your home?,  
Bankrate.com (quoting Matthew A. Drewes), March 19, 2010
- HOA Construction Defects: Don't Shoot Yourself in the Foot,  
HOAleader.com (quoting Matthew A. Drewes), December 11, 2009

- What Your HOA Must Know About Construction Defects, HOAleader.com (quoting Matthew A. Drewes), December 2009
- Recalls, Part II: If You Must Do a Recall Vote, Read This First, HOAleader.com (quoting Matthew A. Drewes), August 2009
- HOA Elections: 6 Mistakes to Avoid with Your Condo or Homeowners Association, HOAleader.com (quoting Matthew A. Drewes), August 2009
- HOA Reserve Studies: What You Need to Know, HOAleader.com (quoting Matthew A. Drewes), August 2009
- HOA and Condo Insurance: 5 Tips to Double-Check Your Association's Insurance Coverage, HOAleader.com (quoting Matthew A. Drewes), August 2009
- 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

## 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

- Chapter President – Community Associations Institute (Minnesota Chapter)
- Member – American Bar Association
- Member – Minnesota State Bar Association