



Fernando Garcia

Partner

Pena Garcia PLLC
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Fernando Garcia has more than 35 years of experience in real estate and commercial law, serving as counsel to entrepreneurs, investors, developers, lenders, institutional and corporate clients in complex real estate and commercial transactions. He represents clients in the acquisition, leasing, development, financing and sale of residential, mixed use and commercial projects, including apartment buildings, shopping centers, hotels, office buildings and warehouses.

His work for lenders includes complex acquisition, development, construction and refinancings of commercial loans, as well as drafting and negotiating intercreditor and participation agreements. Additionally, Mr. Garcia handles loan workouts, including loan modifications, deed in lieu of foreclosure transactions and loan sales.

He represents owners and lenders in the acquisition, development, operation and financing of assisted living facilities, skilled nursing facilities and independent living facilities.

Mr. Garcia represents developers in the negotiation of complex construction contracts and the creation of residential, commercial and mixed-use condominiums as well as homeowner and commercial and master associations. He also provides advice regarding operation, liability and turnover issues.

In addition, Mr. Garcia represents foreign clients in various business transactions across the United States and in foreign countries.

Mr. Garcia's practice also includes representing owners, sellers and buyers in connection with the formation, governance, operation, liquidation and transfer of diverse businesses, negotiation of stock purchase, asset purchase, shareholder, joint venture and limited liability company agreements, drafting employment, brokerage and independent contractor agreements, representation of owners in company disputes and liquidation and dissolution of various enterprises, maritime vessel purchases, licensing and distributorship agreements, product sale agreements and aircraft sale and distribution agreements. He also represents borrowers and lenders in asset-based financing.

Service Areas

Real Estate & Lending

Condominium and Construction law

Business & Commercial Transactions

Business Organization Operations and Disputes

International Investment Transactions

Education

J.D. University of Florida, 1979

B.B.A. in Accounting with Honors Florida International University, 1976

A.A. with Honors Miami Dade Community College, 1974

Bar Admissions

Florida

Languages

English

Spanish

Professional Background

Mr. Garcia is a partner at Pena Garcia PLLC. Previously he was a partner at Hinshaw & Culbertson LLP and at Yoss LLP f/k/a Adorno and Yoss LLP.

He began his legal career with Mora and Freeman as an associate in 1979. In 1980, he moved to Pallot, Poppell, Goodman and Slotnick as an associate. In 1983, he was named partner in Slotnick and Garcia, where he remained until 1992

Professional Affiliations

- The Florida Bar
- Dade County Bar Association
- Cuban American Bar Association
- Latin Builders Association
- South Florida Hispanic Chamber of Commerce

Community Service

- Prior Reading tutor for Dunbar Elementary School.
- Past building team captain for Habitat for Humanity.
- Current Program Director (3 years) and prior Deputy Grand Knight (5 years) for Coral Gables Council 3274 of Knights of Columbus.
- Activities include: Special Olympics, Boystown Undocumented Minors, Feeding the Homeless, Veterans, Thanksgiving turkey and Christmas Toy Drives, Migrant Camp support.

Publications

Published various white papers and interviewed in various publications and radio programs on real estate and condominium law topics such as distressed condominiums, real estate lending and developments and foreign investments.

Honors and Awards

Holds the AV® Peer Review Rating from Martindale-Hubbell, its highest rating for ethics and legal ability.

Named "Knight of the Year" by Knights of Columbus Coral Gables Council for the year 2014.

Representative Matters

- Represented The Northern Trust Company as the lender in numerous loan financings involving multi-family projects, office and industrial projects in Florida.
- Represented Bank Leumi in \$54 million loan made for 300 unit assisted living and independent living facility in Lake Mary, Florida, and several loan financings for healthcare facilities projects in the state of Florida.
- Represented TotalBank in loan financing for various real estate apartment building and shopping center projects in Miami-Dade County Florida.

- Represented Intercredit Bank in various transactions, including financing of acquisition of rented apartment buildings and commercial properties, and construction loans.
- Represented Allstate Insurance Company in deed in lieu transactions, workouts, sales of mortgages and monitoring of complex foreclosures of commercial projects such as office buildings and multifamily projects.
- Represented Suntrust Bank in asset secured financing and drafting loan agreements.
- Represented BAP Development in \$50 million construction loan, drafting of condominium documents and unit closings in 610 Clematis mixed use condominium project in West Palm Beach, Florida.
- Represented CMC Group, developer in \$90 million construction loan, negotiation of construction contract, development and unit closings of Santa Maria, a luxury condominium project in Brickell Corridor, Miami, Florida.
- Represented CMC Group, owner in \$65 million construction loan for The Collection luxury car dealership in Coral Gables, Florida.
- Represented Terremark, developer of \$65 million construction loan for Nap of the Americas IT project in downtown Miami, Florida.
- Represented Orion Properties in acquisition of \$12 million retail/shopping center project in Tampa, Florida.
- Represented Mastec Properties in an auction of commercial properties throughout the State of Florida.
- Represented Resolution Trust Corporation in over \$100 million liquidation of real estate assets and holdings of various savings and loan associations throughout the State of Florida.
- Represented Terremark as developer of Fortune House and Grovehill Tower Condominium projects, as well as the acquisition and sale of the Four Seasons parcel on Brickell Avenue and the acquisition and sale of numerous parcels in Downtown Miami for development.
- Represented purchasing vacant tract for development of 300-unit apartment project including drafting and negotiating of operating agreement for limited liability company buyer on behalf of manager.
- Represented various landlords, including Tishman Speyer, and tenants in negotiation of commercial leases in major shopping malls, office and industrial projects across the State of Florida.
- Represented dialysis clinic in agreement with entity health care provider and terminating joint venture with another entity.
- Represented company engaged in developing software for scheduling with nursing colleges and hospitals and agreements with all these entities.
- Represented buyers in acquisition of various yachts in and outside the U.S.