



FERNANDO GARCIA

PARTNER

Fernando has more than 35 years of experience in real estate and commercial law, serving as counsel to entrepreneurs, investors, developers, lenders, and 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 commercial loan refinancing transactions, as well as drafting and negotiating intercreditor and participation agreements. Additionally, Fernando handles loan workouts, including loan modifications, deeds in lieu of foreclosure 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.

Fernando represents developers in the negotiation of complex construction contracts and the establishment of residential, commercial and mixed-use condominiums as well as homeowners', commercial, and master associations. He also provides counsel on operational matters, liability concerns, and turnover issues.

In addition, Fernando represents foreign clients in various business transactions throughout the United States and internationally.

Fernando's practice also includes representing owners, sellers and buyers in connection with the formation, governance, operation, liquidation, and transfer of various businesses. His experience encompasses negotiating stock purchase, asset purchase, shareholder, joint venture, and limited liability company agreements; drafting employment, brokerage, and independent contractor agreements; and representing business owners in corporate disputes, liquidations, and dissolutions. He also handles maritime vessel purchases, licensing and distributorship agreements, product sales agreements, and aircraft sales and distribution agreements. Additionally, he represents borrowers and lenders in asset-based financing transactions.

PROFESSIONAL BACKGROUND

Fernando is a partner at Pena Garcia PLLC. He previously served as a partner at Hinshaw & Culbertson LLP and Yoss LLP formerly known as Adorno and Yoss LLP.

He began his legal career in 1979 as an associate at Mora and Freeman. In 1980, he joined Pallot, Poppell, Goodman and Slotnick as an associate. In 1983, he became a partner at Slotnick and Garcia, where he remained until 1992.

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.

CONTACT

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PRACTICE AREAS

- Insurance Litigation
- Real Estate & Lending
- Business & Commercial Transactions
- Condominium and Construction Law
- Business Organization Operations and Disputes
- International Investment Transactions

BAR ADMISSIONS

- Florida (1979)

EDUCATION

- J.D., University of Florida, School of Law, 1979
- B.B.A. in Accounting with Honors Florida International University, 1976
- A.A. with Honors Miami Dade Community College, 1974

LANGUAGES

PROFESSIONAL AFFILIATIONS

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

COMMUNITY SERVICES

- Prior Reading tutor for Dunbar Elementary School.
- Past building team captain for Habitat for Humanity.
- Current Program Director (12 years) and prior Deputy Grand Knight (5 years) for Coral Gables Council 3274 of Knights of Columbus.
- Activities include: Nursing Homes, Special Olympics, Boystown Undocumented Minors, Feeding the Homeless, Pre-Trial Detention Inmates, 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.

REPRESENTATIVE MATTERS

- Represented large lender in numerous loan financings involving multi-family projects, office and industrial projects in Florida.
- Represented lender in \$54 million loan made for 300 unit assisted living and independent living facility in Northern Florida, and several loan financings for healthcare facilities projects in the state of Florida.
- Represented lender in loan financing for various real estate apartment building and shopping center projects in Miami-Dade County Florida.
- Represented commercial bank in various transactions, including financing of acquisition of rented apartment buildings and commercial properties, and construction loans.
- Represented major 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 lender in asset secured financing and drafting loan agreements.
- Represented developer in \$50 million construction loan, drafting of condominium documents and unit closings in mixed use condominium project in West Palm Beach, Florida.
- Represented developer in \$90 million construction loan, negotiation of construction contract, development and unit closings of a luxury condominium project in Brickell, Miami, Florida.
- Represented owner in \$65 million construction loan for a luxury car dealership in Florida.
- Represented developer of \$65 million construction loan for IT project in Southern Florida.
- Represented developer in acquisition of \$12 million retail/shopping center project in Tampa, Florida.
- Represented developer in an auction of commercial properties throughout the State of Florida.
- Represented a quasi-governmental agency in over \$100 million liquidation of real estate assets and holdings of various savings and loan associations throughout the State of Florida.
- Represented developer of condominium projects, as well as 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 large medical offices 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.