



## Patrick A. Karbowski

MEMBER

Detroit

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### OVERVIEW

Patrick has more than 35 years of experience practicing business and real estate transactions and commercial finance. His expertise covers a wide spectrum of complex real estate transactions and litigation involving real estate sales, acquisitions, development, title matters, leasing, lending, property taxes, foreclosures, and workouts. Patrick has significant experience in commercial finance, handling real estate based and asset based lending for both lenders and borrowers. Patrick represents both landlords, tenants and property managers in retail, office and industrial markets throughout the country.

Patrick was elected to fellowship in the American College of Real Estate Lawyers in 2015. A past chairperson of the Real Property Law Section of the State Bar of Michigan, Patrick was awarded the C. Robert Wartell Distinguished Service Award for exemplary contributions to the section over an extended period of time. He is an ex officio member of the section's governing council and has served on many of its committees, including as chair of the Pro Bono Committee. A Leadership Oakland alumnus, Patrick has served on the boards of several community organizations. He has been an adjunct professor of law teaching real estate transactions and finance at the Ave Maria School of Law, and a member of the real estate advisory board for the Institute of Continuing Legal Education.

A frequent author and lecturer on real estate topics for professional and industry organizations, Patrick has been listed in The Best Lawyers in America, Chambers USA, and Super Lawyers for real estate. He is also elected to fellowship in the American College of Real Estate Lawyers. Patrick was designated "Lawyer of the Year" in Detroit for Litigation - Real Estate and Real Estate Law by Best Lawyers in America (2014-2015).

Patrick earned a J.D., cum laude, from Wayne State University Law School. He received a B.S., cum laude, from Central Michigan University.

### Practice Focus

Business counseling | Commercial finance | Commercial leasing | Real estate | Real estate litigation | Real Estate Recovery Team | Land use

### Representative Cases & Matters

- Served as lead counsel in connection with the acquisition of multiple parcels of land, obtaining numerous government grants and tax incentives and the drafting and negotiating construction contracts for an advanced

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lithium ion battery manufacturing facility

- Lead trial counsel and co-counsel on appeal in riparian rights case; *Holton v. Ward*, 303 Mich. App. 718; 847 N.W. 2d 1 (2014)
- Negotiated the acquisition of a 230,000 square foot industrial facility on behalf of a major Chinese purchaser
- Sale of all U.S. real estate assets for a major international manufacturer: represented seller in all legal aspects of sale
- Negotiated the acquisition of a 150,000 square foot industrial facility on behalf of the purchaser
- Represented 112,000 square foot corporate office and R&D complex; represented foreign purchaser in all aspects of transaction
- Prevailed on Motion for Summary Disposition (and subsequent appeal) on behalf of an anchor tenant in a shopping center, and against the landlord who claimed wrongful termination of the lease
- Represented hotel owner to bid in and purchased all hard assets of bankrupt onsite restaurant and obtained a full release from lease
- Negotiated numerous lease transactions for national and international locations
- Represented national manufacturer and distributor on real estate loan involving multiple properties
- Litigated lease disputes on behalf of tenants concerning operating expenses in connection with lease audits
- Assisted Sellers with on-line real estate auction of commercial property

## **Honors & Recognition**

Named leader in Michigan Real Estate - *Chambers USA* (2011-2015)

Selected for inclusion in *Michigan Super Lawyers* (2013-2023)

Named one of the *Best Lawyers in America* (2011-2019, 2021-2024)

Designated "Lawyer of the Year" in Detroit for Litigation - Real Estate and Real Estate Law by *Best Lawyers in America* (2014-2015)

Elected to Fellowship, American College of Real Estate Lawyers

*DBusiness* Top Lawyers in Metro Detroit

- Land Use and Zoning Law (2011-2013)
- Real Estate Law (2013)

C. Robert Wartell Distinguished Service Award, State Bar of Michigan Real Property Law Section (2012)

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### **Credentials**

#### EDUCATION

Central Michigan University

Wayne State University Law School

#### ADMISSIONS – STATE

Michigan

### **Professional & Civic**

#### COMMUNITY INVOLVEMENT

Ave Maria School of Law, Adjunct Professor

Habitat for Humanity of Oakland County, Board of Directors (Past Member)

Christian Leadership Academy, Board of Directors (Past Member)

Crossroads Pregnancy Center, Inc., Advisory Board Member

Leadership Oakland Alumnus (LOX)

Christ Community Church (Rochester, MI), Music Ministry (Past Director)

### **News & Insights**

NEWS | AUGUST 17, 2023

55 McDonald Hopkins attorneys recognized in the 2024 editions of *The Best Lawyers in America* and *Best Lawyers: Ones to Watch in America*

NEWS | AUGUST 11, 2023

McDonald Hopkins attorneys selected to 2023 Michigan Super Lawyers and Rising Stars Lists

BLOG POST | FEBRUARY 21, 2023

Michigan provides tax break for homeowners with roommates

NEWS | AUGUST 18, 2022

50 McDonald Hopkins attorneys recognized in the 2023 editions of *The Best Lawyers in America*® and *Best Lawyers: Ones to Watch in America*™

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NEWS | AUGUST 19, 2021

50 McDonald Hopkins attorneys recognized in The Best Lawyers

NEWS | AUGUST 13, 2021

McDonald Hopkins attorneys selected to 2021 Michigan Super Lawyers and Rising Stars Lists

NEWS | SEPTEMBER 22, 2020

Nine McDonald Hopkins attorneys recognized as Michigan Super Lawyers and Rising Stars

NEWS | AUGUST 20, 2020

Lawyer of the Year honorees Riley and Welin among 42 McDonald Hopkins attorneys recognized as 2021 Best Lawyers

ALERT | APRIL 22, 2020

Business interruption insurance claims: A potential source of funds for landlords and tenants

ALERT | APRIL 20, 2020

CARES Act tax issues for real estate

ALERT | APRIL 15, 2020

Eviction and foreclosure moratoriums

ALERT | APRIL 13, 2020

Fed provides lifeline with Main Street Loans for landlords

ALERT | MARCH 26, 2020

CARES Act: An early analysis of the historic Coronavirus Aid, Relief and Economic Security Act

BLOG POST | MARCH 20, 2020

Force Majeure lease provisions before and after the coronavirus (Covid-19)

NEWS | AUGUST 14, 2019

41 attorneys from McDonald Hopkins recognized as 2020 Best Lawyers®

NEWS | MARCH 19, 2018

"Plaza with Newark Walmart up for auction"

ALERT | OCTOBER 24, 2017

4 FAQs about the end of LIBOR

NEWS | SEPTEMBER 5, 2017

Eleven attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars

NEWS | AUGUST 16, 2017

35 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2018

BLOG POST | AUGUST 2, 2017

Update on the abolishment of dower in Michigan

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BLOG POST | MARCH 7, 2017

Hold-over clauses in commercial leases: Who cares? That depends

BLOG POST | JANUARY 11, 2017

The ancient right of dower abolished in Michigan

NEWS | AUGUST 16, 2016

39 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers 2017

BLOG POST | FEBRUARY 12, 2016

Buying and selling commercial real estate: The auction option

BLOG POST | NOVEMBER 23, 2015

The "new" Michigan Personal Property Tax exemption – the clock is ticking

BLOG POST | OCTOBER 12, 2015

Seller Beware! Selling commercial real estate and the hidden Phase I PSA trap

NEWS | SEPTEMBER 4, 2015

Twelve attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars

NEWS | AUGUST 18, 2015

41 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2016

NEWS | MAY 22, 2015

Seven McDonald Hopkins Attorneys Recognized by Chambers USA 2015

BLOG POST | APRIL 23, 2015

The Land Contract: Reports of its Death After Dodd-Frank Were Greatly Exaggerated

BLOG POST | FEBRUARY 18, 2015

Michigan Real Estate Disputes: Which way is the possession arrow pointing?

BLOG POST | FEBRUARY 9, 2015

Oakland County, Michigan Real Estate Market: It's getting better all the time!

**EXTERNAL NEWS & PUBLICATIONS**

Co-Author, "Stop Gap: Michigan's Recording Laws Conformed to Practice," *Michigan Real Property Review*, Vol. 36, No. 2 (Summer 2009)

Co-Author, "Michigan Residential Real Estate Transactions," *Institute of Continuing Legal Education*, Ann Arbor, Michigan

Case Comments, *Michigan Real Property Review*, Vol. 32, No. 3 (Fall 2005)

Case Comments, *Michigan Real Property Review*, Vol. 32, No. 2 (Summer 2005)

Case Comments, *Michigan Real Property Review*, Vol. 32, No. 1 (Spring 2005)

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Case Comments, *Michigan Real Property Review*, Vol. 31, No. 4 (Winter 2004)

"In Re Forty Acres—Judicial Interpretation of the Michigan Superpriority Environmental Lien Statute Poses New Problems," *Michigan Real Property Review*, Vol. 26, No. 1 (Spring 1999)

"Unearthing the State's 'Hidden Priority' Environmental Lien," *Michigan Real Property Review*, Vol. 24, No. 1 (Spring 1997)

"Annual Survey of the Michigan Law of Real Property," 37 *Wayne Law Review* 2B, 1991

"Annual Survey of the Michigan Law of Real Property," 36 *Wayne Law Review* 2, 1990

"The Free Exercise Clause and Unemployment Compensation For Religious Converts," 33 *Wayne Law Review* 159, 1986

## **Events**

SPEAKING ENGAGEMENT | SUBURBAN COLLECTION SHOWPLACE | APRIL 26, 2023  
2023 ICSC and Continuing Education Michigan Conference

MCDONALD HOPKINS EVENT | WEBCAST ONLY | APRIL 22, 2020  
Real Estate Reboot: The COVID-19 Crisis and Beyond

SPEAKING ENGAGEMENT | FEBRUARY 14, 2019  
For the Love of Retail Real Estate: Embracing Change and Adapting for Success

### **SPEAKING ENGAGEMENTS**

"On-Line Auctions of Commercial Real Estate: To Bid or Not to Bid – Is That the Question?" Real Property Law Section of the State Bar of Michigan, Summer Conference, July, 2019

"Lease in Default? Best Practices Before and After the Default" International Council of Shopping Centers, Annual Conference (Michigan CE), February 2019.

"Traps in Your Contract: How Rules of Construction Can Make or Break Your Deal." International Council of Shopping Centers, Annual Conference (Michigan CE), February 2018

"Decoding Operating Expenses: Maintenance, Tax and Insurance Charges in Commercial Leases." Real Property Law Section of the State Bar of Michigan, Summer Conference, July, 2017

"Purchase Agreements – Comparison of the Florida FAR/BAR Form Purchase Agreement and Common Michigan Purchase Agreement Provisions." Real Property Law Section of the State Bar of Michigan, Winter Conference, March, 2017

"Owner's, Manager's and Tenant's Roles in Avoiding and Effecting Evictions," International Council of Shopping Centers, Annual Conference (Michigan CE), February 2017

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Negotiating the Shopping Center Lease – Economic Opportunities and Hidden Costs” Real Property Law Section of the State Bar of Michigan and Institute of Continuing Legal Education, “Homeward Bound Series,” December, 2016

"The Auction Trend: To Bid or Not to Bid." International Council of Shopping Centers, Annual Conference (Michigan CE), February 2016

"Bridging the Gap: Financing Alternatives to Traditional Bank Lending." Real Property Law Section of the State Bar of Michigan, Summer Conference, July, 2015.

"Lease in Default? Best Practices Before and After the Default," International Council of Shopping Centers, Annual Conference (Michigan), February 2015

"Commercial Purchase Agreements," Real Property Law Section of the State Bar of Michigan, Summer Conference, July 2014

"Building Your Contract (or Tearing it Down): Construction of Contract Rules Can Make or Break Your Lease, Listing or Purchase Agreement," International Council of Shopping Centers, Annual Conference (Michigan), February 2014

"Seller Financing: Sometimes it makes Cents (and Dollars)," International Council of Shopping Centers, Annual Conference (Michigan), February 2013

"Land Contracts: Dealing with Common Issues," Institute of Continuing Legal Education, August 2012

"Get 'em out by Friday: Owner's, Manager's and Tenant's Roles in Avoiding and Effecting Evictions," International Council of Shopping Centers, Annual Conference (Michigan), February 2012

"Tales from the Crypt: Horror Stories from the World of Easements and Boundary Disputes," Michigan Society of Professional Engineers, 71st Annual Meeting, February 2012

"Rights of First Refusal and Rights of First Offer: Are You Getting What You Bargained For?," International Council of Shopping Centers, Annual Conference (Michigan), January 2011

"Land Contracts and Other Types of Seller Financing," Real Property Law Section of the State Bar of Michigan, Summer Conference, July 2010

"When Advertisement Isn't Enough—The Court Process and Foreclosures/Workouts," Real Property Law Section of the State Bar of Michigan, April 2010

Adjunct Professor (Real Estate Transactions), Ave Maria School of Law, Ann Arbor, Michigan (2008-2009)

"Land Contract Forfeitures, Foreclosures and Workouts," Young Lawyers Section of the State Bar of Michigan, Annual Conference, June 2009

"Deeds and Conveyances," Real Property Law Section of the State Bar of Michigan, Summer Conference, July 2005

"Legal Issues for Commercial Real Estate Brokers," Grubb & Ellis in-house seminar, April 2005

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"Handling Residential Real Estate Transactions," Institute of Continuing Legal Education, May 2004

"Real Estate and Mortgage Planning Symposium," Nicholas & Co., Certified Mortgage Planners, April 2004

"Commercial and Residential Evictions," Sterling Education Services, February 2004

"Where to Draw the Line: The Role of the Surveyor and Attorney in Boundary Creation and Boundary Dispute Resolution," State Bar of Michigan Real Property Law Section, "Homeward Bound" Series, December 2001

"Real Estate Construction," Institute of Continuing Legal Education, December 2000

"Real Estate Sales and Purchases," "Foundation Series," Institute of Continuing Legal Education, February 2000

"ABC's of Resolving Post Closing Problems and Disputes: Arbitration Before Court?," State Bar of Michigan, Real Property Law Section "Homeward Bound" Series, December 1999

"Michigan Real Estate Documents: Contract and Regulatory Issues," Institute of Continuing Legal Education, April 1999

"Michigan Commercial Eviction Proceedings," Institute of Continuing Legal Education, June 1997

"Understanding the Role of Legal Descriptions and Surveys in Real Estate Transactions," Metropolitan Detroit Bar Association, April 1997

"Real Estate Sales and Purchases," "Foundation Series" Institute of Continuing Legal Education, February 1996

"Michigan Real Property Disputes," Institute of Continuing Legal Education, March 1995