

## Michael N. Kot

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## Professional Overview

Michael is a seasoned attorney with over twenty years of experience in real estate development and commercial financing transactions, including commercial and residential construction loans and healthcare financing. He specializes in complex projects that incorporate mixed-use components, multiple layers of financing, and several developers working collaboratively.

### **Lender Services for Financial Institutions and Private Lenders.**

Michael is the Chair of the Lender Services Team at HCMP, which represents financial institutions and private lenders in commercial financing transactions, forbearance arrangements, and problem-loan workouts. Michael prioritizes efficient documentation and a smooth closing process to secure the best results for his clients in financing transactions. He achieves this by overseeing a talented team of attorneys and paralegals who are dedicated to achieving clients' goals and meeting transaction deadlines. The Lender Services Team is committed to efficiency and client success and has established long-standing relationships with leading commercial lenders. HCMP is proud to have worked with these trusted partners for decades.

Michael's financing experience spans various areas that each have their own intricacies, including acquisition, development, and construction loans for retail buildings, mixed-use apartment complexes, and single-family residential subdivisions, complex C&I financing transactions, loan syndications, participations, and healthcare financing. Michael is well-versed in assisting international, national, and regional lenders with documentation, negotiation, and successful closing of complex commercial loans. He also excels in restructuring problem loans and offering strategic guidance for loan workouts.

### **General Real Estate**

Michael regularly provides comprehensive guidance on commercial real estate matters, such as office and industrial leases, commercial real property purchase and sale transactions, and the establishment of joint ventures for real estate development. Michael frequently represents developers that are partnering with investors or co-developers for master-planned commercial and residential developments and provides guidance from the initial property acquisition through the

completion of construction and sales or leases to end-users.

Michael actively engages with industry and trade groups, focusing on addressing the key real estate-related challenges that clients encounter in both the residential construction and income property markets. He regularly presents to industry groups and clients on new laws, changing regulations, and the impacts of industry trends on client's lines of business.

Michael's dedication to providing exceptional service and results to his clients is evident in his hands-on approach to legal practice and collaborative team management style.

## Representative Matters

- Representing national bank in connection with providing financing for acquisition and development in master-planned communities to be built-out by multiple national builders.
- Drafting of plain English form loan documents for regional lender expanding its commercial construction lending program to include larger projects.
- Regularly advising national bank in connection with healthcare lending program and the unique issues associated with collateral pledged by healthcare service providers.
- Advising national homebuilder in connection with forming joint ventures and obtaining limited recourse financing in connection with master-planned residential communities.
- Assisting national and regional banks with best practices and modifying loan programs and documentation to transition away from LIBOR-based interest lending platforms.
- Advising regional lenders regarding the management and sale of foreclosed properties.
- Representation of landlords in connection with the documentation and negotiation of commercial lease agreements for office and warehouse space.

## Articles and Presentations

- Presenter and Moderator, "Return to the Office Market", October 11, 2023
- Presenter, "Surveys & Title Endorsements", June 21, 2023
- Presenter, "Commercial Leases, Estoppels & SNDAs", May 24, 2023
- Presenter, "LIBOR Phase-Out: The Clock is Ticking", September 12, 2019

- Presenter, "Subordinations and Consents: An HCMP Client Information Exchange", March 18, 2019
- Author, Ask a Legal Professional, *Puget Sound Business Journal* (LIBOR-Based Interest Rates), October 2018
- Author, Ask a Legal Professional, *Puget Sound Business Journal* (Full Service Leases), November 2017
- Presenter, "Management Strategies for Commercial Landlords," April 2017
- Author, Ask a Legal Professional, *Puget Sound Business Journal* (Loan Documents), November 2016
- Author, "U.S. Supreme Court Update: Guarantors and Regulation B Opinion," May 2016
- Author, Ask a Legal Professional, *Puget Sound Business Journal* (Title Insurance), November 2015
- Presenter, "Developments in Title Insurance," September 2015
- Author, Ask a Legal Professional, *Puget Sound Business Journal* (Non-Recourse Loan Guaranties), November 2014
- Author, Ask a Legal Professional, *Puget Sound Business Journal* (Commercial Non-Judicial Foreclosure), November 2013
- Presenter, "Subordination, Non-Disturbance and Attornment Agreements: An HCMP Client Information Exchange," December 11, 2012
- Speaker, "Prepayment Penalty, Yield Maintenance, and Exit Fee Provisions: An HCMP Client Information Exchange," July 26, 2011

## Professional and Civic Involvement

- King County Bar Association - Real Estate Section
- Washington State Bar Association
- Washington Mortgage Bankers Association - Income Property Committee
- Turnaround Management Association
- Risk Management Association

## Honors / Awards / Prior Experience

- Repeatedly recognized by *The Best Lawyers in America*® in the field of Real Estate Law, most recently for 2024.
- Recognized as a Rising Star by *Washington Super Lawyers*.

## Education

- J.D., University of Washington School of Law, with high honors, 2003
- B.A., Western Washington University, magna cum laude, 2000

## Bar/Court Admissions

- Washington State Courts
- Washington State Bar



## Personal

Michael spends most of his free time with his wife and three wonderful children. You can typically find them at the ballpark watching (and sometimes coaching) their children play baseball and softball. When not taking in a baseball game, they enjoy outdoor activities of all types and are particularly fond of camping trips to National Parks in the U.S. and Canada, having recently visited Yellowstone, Grand Teton, Banff, Jasper, Yosemite, Rocky Mountains, Great Smoky Mountains, and Mesa Verde National Parks. Michael is also an avid cyclist and has enjoyed training for and participating in the RAMROD (Ride Around Mount Rainier in One Day) and STP (Seattle-to-Portland) for many years.