



Mark L. Esposito

Officer

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Mark is an Officer in PennStuart's Bristol, Tennessee office and is a member of the firm's Commercial Litigation practice group. He also serves on the firm's Management Committee.

Mark's practice focuses on commercial litigation and bankruptcy matters in state and federal trial and appellate courts in Southwest Virginia and Northeast Tennessee. Mark has handled dozens of multi-million dollar commercial loan transactions representing lenders and borrowers. He has extensive experience in handling commercial transactions and disputes, real estate development and finance matters, loan transactions, acquisitions, equipment leasing, incentive-based financing, creditor's rights and bankruptcy matters, asset protection, franchise matters, business entity selection and formation, construction law matters, and general business matters

Publications

- *Enforcement of Judgments*, Virginia Continuing Legal Education
- *What Happens When Your Customer or Supplier Files Bankruptcy*, Bristol VA/TN Chamber of Commerce

Representative Decisions

- *First Sentinel Bank v. U.S.A.*, 364 F. Supp. 3d 615 (W.D. Va. 2019) (obtained summary judgment by U.S. District Court declaring that Deed of Trust Lien securing amounts owed to client survived non-judicial foreclosure and is superior in priority to liens asserted by IRS. Appeal noted by IRS but later withdrawn);

Practices

Business & Transactional

- Commercial Transactions
- Corporate Formation & Governance
- Commercial Lending Litigation
- Commercial Litigation
- Bankruptcy & Creditors' Rights
- Real Estate
- Transactions
- Development
- Financing
- Construction

Industry Experience

- Banking/Financial Services
- Real Estate

Education

- University of Richmond School of Law, 1983
 - Law Review, Associate Editor
- Muhlenberg College, 1980

Representative Decisions continued

- *In Re Keith's Tree Farm*, 535 B.R. 647 (U.S.D.C. W.D. Va. 2015) affirming *In Re Keith's Tree Farm*, 519 B.R. 628 (Bankr. W.D. Va., 2014) (widely cited and standard setting decision affirming denial by bankruptcy court of Chapter 12 bankruptcy plan as unfeasible and filed in bad faith);
- *Stumbo et al v. Community Trust Bank*, 2015 WL 4545122 (2015) (prevailed in establishing clients' rights in property subject to forfeiture proceeding instituted by U.S. government and being case of first impression allowing recovery of attorney's fees in such proceedings);
- *Legend Radio Group, Inc. v. Sutherland*, 211 F.3d 1265 (4th 2000) (affirming confirmation of client's competing Chapter 11 Plan over objection of Debtor providing for sale of Debtor's assets and facilitating recovery by client);
- *UPS v. Buck Fever Racing, Inc.*, 1996 WL 739296 (TN Court of Appeals, 1996) (sustaining client's position that Court lacked jurisdiction under Tennessee long-arm statute);
- *Wallace v. Chrysler Credit Corporation*, 743 F. Supp. 1228 (W.D. Va. 1990) (often cited decision dismissing claim that collateral repossession by creditor client resulted in breach of peace);
- *GMAC v. Dotson*, 155 B.R. 389 (U.S.D.C. W.D. Va. 1993) (sustaining objection to discharge of client's claim against debtor in Chapter 7 bankruptcy case).

Admissions

- Virginia, 1984
- Tennessee, 2005
- U.S. District Court for the Western District of Virginia
- U.S. District Court for the Eastern District of Tennessee
- U.S. Bankruptcy Court for the Western District of Virginia
- U.S. Bankruptcy Court for the Eastern District of Virginia
- U.S. Bankruptcy Court for the Eastern District of Tennessee
- U. S. Court of Appeals for the Fourth Circuit

Honors & Distinctions

- Virginia Business Legal Elite



Professional Activities

- Virginia Bar Association
 - Law Practice Management Division Council
 - former Member, Board of Governors
- Virginia State Bar
 - former Member, Tenth District Hearing Committee
- American Bar Association
- Tennessee Bar Association
- Federal Bar Association
- Tennessee Board of Professional Responsibility
 - former Member, First District Hearing Committee
- City of Bristol, Virginia
 - former Chairman, Board of Zoning Appeals
 - former Member, Planning Commission
- Bristol VA/TN Chamber of Commerce
 - Board of Directors