

Keith Brandofino

Partner

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Services

Business & Finance
Distressed Debt & Workouts
Litigation
Real Estate Capital Markets
Real Estate Finance
Real Estate Finance & Capital
Markets

Industries

Financial Services

Keith Brandofino focuses his practice on litigation and loan servicing matters relating to commercial mortgage-backed securities. He has extensive experience in the representation of financial institutions and special servicers in connection with distressed real estate loans and the disposition of commercial properties. This includes creditor representation related to non-performing commercial loans, involving the exercise of remedies, such as receiverships, replevin, judicial and non-judicial foreclosures, workouts, litigation and contested bankruptcy matters. Mr. Brandofino has protected lenders' interests in loans collateralized by retail, office, industrial, multi-family and health care properties.

Mr. Brandofino has represented financial institutions in lender liability actions involving claims related to breach of contract, fiduciary duty, implied duty of good faith, fraud, misrepresentation, partnership-joint venturer and waiver-estoppel modification. He has also represented parties in business disputes involving contracts, floorplan financing, franchise agreements, real estate and shareholder issues. He practices in the state and federal forums, and before the American Arbitration Association panels.

Mr. Brandofino also has extensive experience representing title insurance companies including claims asserted against their insureds such as property owners and lenders. Such matters include fraudulent deeds and mortgages, quiet title actions, adverse possession claims, lien priority disputes and boundary claims disputes.

Mr. Brandofino also has extensive experience representing landlords and tenants in commercial litigation matters, including eviction, holdover, breach of contract, rent reconciliation and reformation claims.

Mr. Brandofino is an Adjunct Professor at New York University, where he teaches for the Schack Institute of Real



Estate Graduate Program. He has been recognized as a 2013 New York “Super Lawyer” in the areas of Bankruptcy & Creditor/Debtor Rights, Business Litigation and Real Estate, and he was recognized again in 2018 and the four years immediately preceding in the area of Creditor/Debtor Rights by *Super Lawyers* magazine.

Experience

Defended bank against claims that it breached commitment letter by failing to lend.

Brought claims for eviction based upon tenant's use of building in violation of building code and zoning.

Brought claims for eviction and damages against tenant that breached its obligation to open a 5th Avenue Retail property.

Represented lender in the recovery of a \$189 million dollar loan secured by eight (8) hotels in six (6) different states.

Defended eviction claim based upon tenant's alleged failure to obtain landlord's consent to a structural alteration.

Represented bank defending claims that it violated Fair Credit Reporting Act by failing to accurately report consumer's payment history.

Litigated responsibility for repairs to common areas.

Defended bank against claims that it violated loan documents by failing to advance reserves for capital improvements.

Represented lender in preserving its lien property over claims that mortgage was fraudulently obtained.

Represented foreign bank in the recovery of a \$30 million dollar credit facility principally secured by an industrial plant in Brazil.

Represented lender in the recovery of vehicles following discovery of borrower's scheme to sell vehicles out of trust.

Litigated responsibility for repairs to common areas.

Education

Brooklyn Law School, J.D. (1999)



New York University, B.A. (1994)

Admissions

New York (2001)

Court Admissions

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of New York

U.S. District Court for the Western District of New York

Professional & Community Activities

Cooley's Anemia Foundation, Board of Directors, Member

New York Cares, Volunteer

New York University Schack Institute of Real Estate Graduate Program, Adjunct Professor (2017)

Insights

[News Releases](#)

Twenty Kilpatrick Townsend Attorneys Named 2018 New York Super Lawyers

September 28, 2018

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Kilpatrick Townsend Attorneys Named 2017 New York Super Lawyers

September 27, 2017

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2017 New York Super Lawyers

September 27, 2017

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2016 New York Super Lawyers

October 5, 2016

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2015 New York Super Lawyers



September 30, 2015