

# Snell & Wilmer

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## **Benjamin W. Reeves**

Partner | Phoenix

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### **Main Bio**

Ben Reeves focuses on delivering practical advice to clients facing complex commercial disputes in distressed situations. Since joining the firm in 2007, he has gained substantial experience litigating: (i) interests in real property; (ii) creditor rights and remedies in state, federal, and bankruptcy courts; (iii) the rights, powers, and duties of receivers; and (iv) disputes amongst and between business partners. In particular, Ben has extensive experience with commercial landlord-tenant relationships, foreclosure and trustee's sales, guarantor and deficiency actions, the enforcement of pre- and post-judgment remedies, complex commercial bankruptcies, and receivership actions involving secured property and/or equity interests. Ben also has relevant experience representing beneficiaries and personal representatives in probate court. Ben prides himself on his ability to provide timely and sound counsel to clients navigating through complex problems.

### **Representative Litigation**

- Represented numerous lenders in various actions for breach of note, breach of guaranty, and appointment of receiver over collateral
- Represented numerous creditors in stay relief, plan confirmation, and claw-back litigation in bankruptcy court
- Represented court-appointed receiver in efforts to sell a commercial building over the objection of the borrower
- Represented court-appointed receiver in efforts to sell franchise restaurants as a going concern
- Defended receiver from claims of prior owner in wind-down of cigar retail business
- Defended company in action by minority members for, among other things, breach of fiduciary duty and appointment of a receiver over the company
- Represented minority member in action for breach of fiduciary duty, judicial dissolution, and appointment of a receiver over the company
- Represented landlord over a dairy farm in connection with bankrupt tenant's objection to landlord's proof of claim for unpaid rent
- Represented multi-million dollar judgment creditor in post-judgment proceedings against guarantor who owned a complex web of interests in various closely-held companies
- Represented commercial landlord in dispute with tenant regarding exclusive use restrictions in tenant's lease

- Represented high-end homeowner's association in arbitration with developer over the amount and calculation of unpaid assessments
- Defended commercial property owner in action by neighboring business to privately condemn a portion of the client's property
- Defended corporate officer in action by commercial landlord to hold officer personally liable for company's breach of lease
- Represented beneficiaries in probate court in defense of claims that beneficiaries owed money to the estate
- Represented personal representative in probate court seeking to freeze assets of caregiver suspected of taking assets of the decedent, and assisted in resulting litigation
- Represented personal representative in probate court in A.R.S. § 14-3709 petition to determine potential liability of third-party who received funds from decedent's bank accounts

### ***Published Decisions***

- [\*MW2 Investments, LLC v. IMH Special Asset NT 168, LLC, et al., No. 1 CA-CV 18-0271\*](#) (Dec. 19, 2019)
- [\*Hiatt v. Shah\*](#), 238 Ariz. 579, 364 P.3d 1138 (Ct. App. 2015)

### **Education**

- University of Virginia School of Law (J.D.)
  - Phi Delta Phi, legal ethics fraternity
  - Quarterfinalist, William Minor Lile Moot Court Competition
- Arizona State University Honors College (B.A., Religious Studies, minors in Economics and Philosophy, *summa cum laude*)
  - Honors College T.A. Program
  - Co-Curricular Program, Student Advisory Board

### **Professional Memberships & Activities**

- Economic Recovery Task Force, Appointed by Supreme Court of Arizona
  - Member (2020)
- Commission on Appellate Court Appointments, Appointed by Governor Doug Ducey
  - Commissioner (2015-2020)
- Maricopa County Bar Association
  - Bankruptcy Section, Immediate Past Chair (2014), Chair (2013), Vice-Chair (2011-2012)
  - Membership Committee (2011-2012)
- Greater Phoenix Chamber of Commerce (2014-present)
- Uniform Law Commission
  - Observer to the Drafting Committee on a Model Act on the Appointment and Powers of Real Estate Receivers (2013-2015)
- American Mensa
  - Member (2012-2013)

### **Representative Presentations & Publications**

- ["The Arizona Supreme Court Confirms that Judgement Liens Attach to Homestead Property."](#) Snell & Wilmer Real Estate Litigation Blog (October 13, 2022)
- ["Can I Record a Lis Pendens in Arizona if the Lawsuit is filed Another Jurisdiction?"](#) Author, Snell & Wilmer Real Estate Litigation Blog (August 17, 2022)
- ["HOA Foreclosure Excess Sale Proceeds Go to Owner,"](#) Author, Snell & Wilmer Real Estate Litigation Blog (August 9, 2022)
- ["Receiverships: Arizona,"](#) Author, Practical Law Bankruptcy & Restructuring (July 2021)
- ["When Can a Preference Action Brought under Federal Law Reverse a State Law Tax Foreclosure Sale?"](#) Co-Author, ABA Section of Litigation, Bankruptcy & Insolvency Litigation Committee Newsletter (November 23, 2020)
- ["Can a State Law Tax Foreclosure Sale Be Avoided in Bankruptcy?"](#) Co-Author, Snell & Wilmer Legal Alert (May 6, 2020)
- ["Arizona Adopts the Uniform Commercial Real Estate Receivership Act,"](#) Author, The Arizona Banker Official Publication of the Arizona Bankers Association (Issue 2, 2019)
- ["Is a Bankruptcy Plan that Violates Federal Criminal Law Proposed in Bad Faith?,"](#) Author, Snell & Wilmer Real Estate Litigation Blog (May 20, 2019)
- "Commercial Foreclosure (Judicial) Flowchart (AZ)," Co-Author, Practical Law (Thomson Reuters 2019)
- "Commercial Foreclosure (Nonjudicial) Flowchart (AZ)," Co-Author, Practical Law (Thomson Reuters 2019)
- "Commercial Foreclosures (Judicial) (AZ)," Co-Author, Practical Law (Thomson Reuters 2019)
- "Commercial Foreclosures (Non-Judicial) (AZ)," Co-Author, Practical Law (Thomson Reuters 2019)
- ["Attorneys' Fees Are Available in Arizona Eviction Actions,"](#) Author, Snell & Wilmer Real Estate Litigation Blog (November 30, 2018)
- ["Guarantors' 'Lost Profits' Completely Offset Lender's Deficiency Claim,"](#) Author, The Arizona Banker Official Publication of the Arizona Bankers Association (Issue 1, 2016)
- "Our Bar, Where Everyone Knows Your Name and Our Troubles are all the Same," Co-Presenter, Arizona State Bar Convention, CLE Presentation, Chandler, AZ (June 16, 2016)
- "Understanding the Potential Benefits and Pitfalls of the Uniform Commercial Real Estate Receivership Act," Presenter, Live Webinar (June 1, 2016)
- "Uniform Commercial Real Estate Receivership Act (UCRERA) Update," Co-Presenter, California Receiver's Forum, Orange County, CA (January 20, 2016)
- ["'Lost Profits' Completely Offset Lender Deficiency Claims,"](#) Author, Law 360, New York (January 13, 2016)
- "When do Title Cos. Owe a Duty of Care to Third Parties?," Author, Law360, New York (September 10, 2015)
- "It Just Got a Little Bit Harder to Enforce Judgment Liens in Arizona," Author, ABA Section of Litigation, Title Insurance Litigation Committee Newsletter (Spring 2015)
- ["If Receiver's Sales Aren't Foreclosures, Then What Are They?,"](#) Co-Author, ABA Section of Litigation, Corporate Counsel Newsletter (March 31, 2015)
- "Pursuing and Defending Bankruptcy Avoidance Actions," Co-Presenter, Maricopa County Bar Association, 1.5 Hour CLE Presentation, Phoenix, AZ (June 15, 2012)

- "Real Estate Fundamentals: Session I – Bankruptcy Impacts on Real Estate Disputes," Co-Presenter, Maricopa County Bar Association, 1.5 Hour CLE Presentation, Phoenix, AZ (February 10, 2012)
- "Common Bankruptcy Litigation Issues," Co-Presenter, Maricopa County Bar Association, CLE Presentation, Phoenix, AZ (June 29, 2010)
- "Challenges in the Foreclosure/Trustee's Sale Process," Co-Presenter, Maricopa County Bar Association, CLE Presentation, Phoenix, AZ (June 9, 2010)
- "Foreclosure and Trustee Sale Issues (Commercial and Residential)," Co-Presenter, Maricopa County Bar Association, CLE Presentation (February 23, 2010)
- "An Overview of Landlord Rights Against Tenants in Bankruptcy," Co-Author, ABA Commercial Business & Litigation Newsletter, 11 Com. & Bus. Litig. No. 1 (Fall 2009)

## **Professional Recognition & Awards**

- The Best Lawyers in America<sup>®</sup>, Bankruptcy and Creditor-Debtor Rights/Insolvency and Reorganization Law (2021-2024); Commercial Litigation (2021-2024); Bankruptcy Litigation, Real Estate Litigation (2023-2024)
- Southwest Super Lawyers<sup>®</sup>, Rising Stars Edition, Creditor Debtor Rights: Business (2014-2020)
- Rising Star Man of the Year, American Cancer Society (2015)

## **Community Involvement**

- American Cancer Society, Phoenix Advisory Board of Directors (2014-2017, 2020)
- Arizona Outdoor Recreation Coordinating Commission, Appointed by Governor Jan Brewer (2012-2014)
- Phoenix Regions Sports Commission, Friend (2012)
- Mountain View Presbyterian Church, Elder (2016-2017)

## **Previous Professional Experience**

- Arizona Appellate Court, Extern to Hon. Jefferson Lankford (Summer 2005)
- Arizona State University Honors College, Teaching Assistant to Professor Jonathan Lynch (Spring 2004)

## **Bar Admissions**

- Arizona

## **Court Admissions**

- Supreme Court of Arizona
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Third Circuit
- United States District Court, District of Arizona

## **Client News**

- Snell & Wilmer Represents Cannabis Company True Harvest in Acquisition by The Greenrose Holding Company, Inc.