



## Michael D. Mayfield

Shareholder

801-323-3373

## Practice Areas

- Banking and Financial Institutions
- Bankruptcy and Creditors' Rights
- Equipment Leasing
- Litigation

Mr. Mayfield is the chair of the firm's Banking and Finance Section. He specializes in commercial litigation with an emphasis on representing banks, financial institutions, non-traditional creditors, and equipment leasing companies. His practice involves litigation to defend creditors and enforce creditors' rights, loan documentation, loan workout, judicial and non-judicial foreclosure, commercial lease enforcement and defense, and bankruptcy related litigation. He has successfully represented clients in:

- All aspects of lender liability defense litigation;
- All aspects of collection litigation;
- All aspects of equipment lease litigation;
- All aspects creditor's rights litigation;
- Defense of claims brought under the Real Estate Settlement Procedures Act (RESPA), the Truth in Lending Act (TILA), the Bank Holding Company Act (BHCA), the Equal Credit Opportunity Act (ECOA) and the Racketeer Influenced and Corrupt Organizations Act (RICO).
- Judicial and non-judicial foreclosures;
- Loan modification and workout documentation; and
- Instrument fraud and forgery cases and dishonest accountant/bookkeeper litigation.

Mr. Mayfield maintains an AV Preeminent (4.9) rating with Martindale-Hubbell, which is the highest



rating awarded to attorneys for professional competence and ethics. For years, he has been voted by his peers throughout the state as one of Utah's "Legal Elite," as published by *Utah Business Magazine* (2006-2014, 2016-2017). Mr. Mayfield has also been recognized as a Rising Star by *Mountain States Super Lawyers* (2008-2009) in the categories of Business Litigation and Banking. In 2010, the National Institute for Trial Advocacy (NITA) conferred Mr. Mayfield the NITA Advocate designation.

Mr. Mayfield is licensed to practice law in Utah and Idaho. He joined Ray Quinney & Nebeker in 1999 and is a shareholder and director of the firm. Mr. Mayfield served on the Firm's recruiting committee from 2002-2015.

#### Representative Cases Include:

- Successfully defended judgment on appeal before the Tenth Circuit Court of Appeals upholding a lender's ability to foreclose residential mortgages in Utah that were securitized and then tracked by Mortgage Electronic Registration Systems, Inc. The decision is believed to be the first such decision from the Tenth Circuit on this issue. *Commonwealth Property Advocates, LLC v. Mortgage Electronic Registration Systems, Inc., et al.*, 680 F.3d 1194 (10<sup>th</sup> Cir. 2011).
- Obtained dismissal of unlawful foreclosure claims against a successor trustee. *Clark v. Chevy Chase Bank*, 2012 U.S. Dist. Lexis 51926.
- Obtained dismissal of claims against bank for alleged wrongful foreclosure, and violations of TILA and RESPA. *Sorensen v. First Horizon Home Loan Corp. et al.*, Case No. 2:10-cv-192.
- Obtained dismissal of claims against bank and its employees for alleged violations of TILA, RESPA and ECOA. *Croxford v. Sutherland Title*, 2011 U.S. Dist. Lexis 1687.
- Successfully defended bank for alleged violation of TILA and RESPA. *Weekes v. First Horizon Home Loan Corp., et al.* Case No. 2-10-cv-1020.
- Obtained summary judgment on behalf of a large regional bank dismissing multi-million dollar, lender liability claims arising from bank's collection efforts.
- Obtained, with other RQ&N partners, a multi-million dollar jury verdict for client in a case involving the alleged breach of a patent license agreement. *ACTI v. EdiZONE*. Case No. 060910483.



- Defended bank against claims of discrimination and predatory lending practices. *Nazarinia v. Washington Mutual Bank, Inc.* 152 Fed.Appx. 711, 2005 WL 2600627 (C.A.10 (Utah)) (unpublished decision).
- Successfully represented a national bank in several cases arising from bank's check processing practices.
- Successfully obtained a large administrative claim on behalf of a regional mining equipment company against a Chapter 11 debtor.
- Protected and enforced a judgment creditor's lien in real property against a third party purchaser of the property. *Chase Manhattan Bank v. Principal Funding Corp.*, 89 P.3d 109 (Utah 2004).
- Obtained a complete dismissal of claims brought against a national bank arising from bank's money wiring practices.
- Obtained a seven figure summary judgment on behalf of regional oil company for breach of contract.
- Successfully defended local bank against claim brought by insurance underwriter alleging the bank's check processing procedures violated the *Utah Uniform Fiduciaries Act*. *Attorneys Title Guar. Fund v. Goodman*, 179 F.Supp.2d 1268 (D. Utah 2001).
- Successfully defended a regional bank against claims brought by the employer of a dishonest bookkeeper.
- Represented automobile dealers in real estate, contract and tort litigation.
- Successfully defended judgment on appeal related to Chapter 7 Trustee's preference claim against creditor. *Rushton v. E&S International Enterprises, Inc. (In re Eleva, Inc.)* 235 B.R. 486 (10th Cir.BAP 1999).



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## Education

### University of Utah, J.D., 1998

- Member, UTAH LAW REVIEW
- Traynor Moot Court Competition, semi-finalist

### University of Utah, B.A., Communications, 1995

- Phi Kappa Phi
- Communications Department Honors and Scholarships

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## Prior Professional Experience

- Attorney, Jardine, Linebaugh & Dunn, Salt Lake City, Utah, 1998-1999

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## Admitted to Practice

- Utah State Bar
- Idaho State Bar
- United States Court of Appeals, Ninth and Tenth Circuits
- United States District Court, Districts of Utah and Idaho
- Supreme Courts of Utah and Idaho

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## Affiliations / Memberships

- Utah State Bar, Banking and Finance Section
- Salt Lake Chamber of Commerce



RAY QUINNEY & NEBEKER

## Professional and Civic Activities

- CLE Coordinator, Utah State Bar, Banking and Finance Section (2016 – present)
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## Publications / Presentations

- Revisiting Expungement: Concealing Information In the Information Age, UTAH LAW REVIEW 1057 (1997).