

Kevin M. Kenny

Shareholder

Tampa Downtown, West Palm Beach
kkenny@gunster.com
(813) 222-6621 | (561)-650-0638
(813) 309-2824



Practice & Industry Areas

- Real Estate Law
- Hospitality & Clubs
- Club Membership Programs
- Golf Operations & Management
- Private Clubs

Education

- Stetson University College of Law, St. Petersburg, FL, J.D., 1998
- Florida State University, Tallahassee, FL, B.S., 1994

Bar & Court Admissions

- Florida Bar, 1998

Overview

With more than two decades of hard-earned experience in delivering legal counsel to real estate development, recreational amenity, private club and residential communities, Kevin Kenny is among a select group attorneys recognized on a national level in the hospitality and resort industries for his unique skill in advising on private club matters. He assists developers, resort operators, management companies and non-profit member associations with the day-to-day challenges that arise in operating these multi-faceted properties and businesses.

In addition, Kevin structures and designs club membership programs for both equity and non-equity private clubs and resorts and is also adept at drafting homeowner and condominium governing documents. He offers a deep bench of experience in providing actionable legal solutions involving recreational amenity access and use documents,

negotiating and drafting purchase and sale agreements, license agreements, commercial leases, subleases and easement agreements for clubs, resorts and communities located across the United States in more than 30 states and counting, the Caribbean, Canada and Mexico.

Kevin is dedicated to providing a business centric approach meeting client objectives and devising creative solutions that seek to optimize the value of project amenities and address the variety of issues that arise in the development and operation of these properties. Over the course of his career, Kevin has created a wide array of amenity programs ranging from traditional private country clubs, to marina and yacht clubs, to urban social and dining clubs, to extensive resort/community access arrangements, as well private motorsports clubs, among others. Regardless of the complexity or difficulty of the matter at hand, Kevin's focus is on delivering added value through understanding each client's business and serving as a dedicated team member.

Beyond his legal practice, Kevin also has commercial real estate development experience, including developing historic landmark buildings and commercial office spaces. He has managed all aspects of development, including property acquisition, financing, permitting, design, construction, leasing, and asset disposition. Aided by his private development and business experience, Kevin takes a pragmatic and reasoned approach advising on each client's short- and long-term goals.

Kevin represents both large and small businesses alike involved in a wide range of industries including hospitality, telecommunications, technology, agriculture, retail, and professional services. He advises on strategic acquisitions, debt and equity financing transactions, and general corporate matters. A lawyer who strives to create the win-win for his clients in order to preserve their most important business relationships, Kevin is committed to active listening and solutions that make sense to each client's unique scenario. He is dedicated to working through even the most difficult issues, disparate positions and varied personalities to achieve his client's end game.

Representative Matters

- Drafted club membership documents for nonequity clubs, equity member-owned clubs and private-residence clubs.
- Represented club owners in a variety of club membership program restructuring, including:
 - (i) conversions to refundable membership deposit programs, and
 - (ii) conversions to equity member-owned programs.
- Represented developers in turnovers of equity clubs to members.
- Represented lenders with respect to club membership programs in projects in foreclosure and projects transferred in lieu of foreclosure.

- Counseled owners and prepared documentation for mandatory club membership structures.
- Drafted documentation for club member and property owner votes.
- Advise Board of Directors with day-to-day operational issues.
- Prepared rental management documentation for residences within resort projects.
- Negotiated hotel licensing and management agreements on behalf of owner/ developer clients.
- Prepared the legal infrastructure documents for residential and resort developments, including property owners' association documents, declaration of restrictive covenants, sales contracts, and amenity access agreements.

Professional Associations & Memberships

- Florida Bar Association, 1998-present
- Hillsborough County Bar Association, 1998-present
- Urban Land Institute, 2004-10
 - Recreational Development Council, Blue Flight, 2004-10

Civic & Community Service

- St. Timothy Catholic Church, Men's Club, 2007-present
- Jesuit High School, Dad's Club, 2018-present