Mark A. Warsco

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Mark Warsco brings extensive experience as a litigator, concentrating his practice in commercial workouts and bankruptcy, construction law, commercial real estate transactions, complex litigation, and general business representation.

He has advised numerous secured creditors in middle-market commercial loan workouts ranging from $2 million to $10 million, and has served as counsel to creditors' committees in several significant regional bankruptcy proceedings, including Driggs Farms of Indiana, Progressive Hospitals, Advance Mixer, Inc., and Manco Products, Inc., each resulting in successful §363 sales with distributions to unsecured creditors.

In addition to his insolvency work, Mark counsels business clients through the purchase and sale of enterprises, including the divestiture of a multi-state manufacturing operation to a venture capital firm. He also represents commercial real estate investors in acquisitions and dispositions of manufacturing facilities, shopping centers, and development parcels for both residential and commercial use.

Mark regularly consults with business owners on entity structuring and operational strategy to mitigate legal risk and support long-term growth.

Education

- J.D., *cum laude*, Indiana University Maurer School of Law, Bloomington, Indiana, 1980
- B.A., Purdue University Fort Wayne, Fort Wayne, Indiana, 1977

Bar & Court Admissions

- Indiana, 1980
- U.S. District Court for the Northern District of Indiana, 1980
- U.S. District Court for the Southern District of Indiana, 1980
- U.S. Court of Appeals for the Seventh Circuit, 1992

Practices

- Creditors' Rights and Bankruptcy

Industries

- Financial Services

Representative Experience

- Matter of Seiler, 29 B.R. 33 (Bankr. N.D. Ind. 1983)
- In re Draggoo Electric Company, Inc., 57 B.R. 916 (Bankr. N.D. Ind. 1986)
- In re Manwell, 62 B.R. 533 (Bankr. N.D. Ind. 1986)
- Matter of Graves, 70 B.R. 535 (N.D. Ind. 1987)
- Matter of Weaver, 93 B.R. 172 (N.D. Ind. 1988)
- In re Richards, 92 B.R. 369 (Bankr. N.D. Ind. 1988)
- Matter of Strong, 84 B.R. 541 (Bankr. N.D. Ind. 1988)
- Matter of Steury, 94 B.R. 553 (Bankr. N.D. Ind. 1988)
- Matter of Whitman, 101 B.R. 37 (Bankr. N.D. Ind. 1989)
- Matter of U.S. Marketing Concepts, Inc., 113 B.R. 487 (Bankr. N.D. Ind. 1990)
- In re R & L Cartage & Sons, Inc., 118 B.R. 646 (Bankr. N.D. Ind. 1990)
- Udell v. Standard Carpetland, USA, Inc., 149 B.R. 908 (Bankr. N.D. Ind. 1993)
- In re Zank, 1994 WL 236196 (Bankr. N.D. Ind. 1994)
- Matter of Udell, 18 F.3d 403 (7th Cir. 1994)
- In re Rimsat, Ltd., 196 B.R. 791 (N.D. Ind. 1995)
- In re Import & Mini Car Parts, Ltd., Inc., 200 B.R. 857 (Bankr. N.D. Ind. 1996)
- Matter of Rimsat, Ltd., 98 F.3d 956 (7th Cir. 1996)
- Matter of Rimsat, Ltd., 193 B.R. 499 (Bankr. N.D. Ind. 1996)
- Matter of Rimsat, Ltd., 224 B.R. 685 (Bankr. N.D. Ind. 1997)
- Miller v. Conte, 19 F.Supp.2d 904 (N.D. Ind. 1997)
- In re Nova Tool, 228 B.R. 678 (Bankr. N.D. Ind. 1998)
- In re Bluffton Casting Corp., 186 F.3d 857, 139 Lab. Cas. P 10, 515 (C.A.7 (Ind.) 1999)
- Abbey Villas Develop. v. Site Contractors, 716 N.E.2d 91 (Ind. App. 1999)
- In re Rimsat, Ltd., 230 B.R. 362 (N.D. Ind. 1999)
- In re Rimsat, Ltd., 212 F.3d 1039 (7th Cir. 2000)
- Warsco v. Preferred Technical Group, 258 F.3d 557 (7th Cir. 2001)
- In re Barnes, 276 F.3d 927, 38 Bankr. Ct. Dec. 245 (7th Cir. 2002)
- In re Consol. Industries Corp., 279 B.R. 831 (N.D. Ind. 2002)
- Warsco v. Household Bank F.S.B., 272 B.R. 246, 89 A.F.T.R.2d 2002-1210 (Bankr. N.D. Ind. 2002)
- In re Consolidated Industries, 360 F.3d 712, 42 Bankr. Ct. Dec. 190 (7th Cir. 2004)
- In re Saylor, 339 B.R. 190 (Bankr. N.D. Ind. 2006)
- Warsco v. Drew (In re Drew), 2007 Bankr. LEXIS 4496, (Bankr. N.D. Ind. 2007)

- Driggs Farms of Indiana, Inc. v. Driggs Farms Investors, LLC, 2009 Bankr. LEXIS 490, (N.D. Ind. Mar. 2, 2009)
- Warsco v. Jarvis, 2009 Bankr. LEXIS 495, (N.D. Ind. Mar. 4, 2009)
- In re DFI Proceeds, Inc., 2010 Bankr. LEXIS 695, (N.D. Ind. Feb. 9, 2010)
- Warsco v. IFS, Inc., 2010 Bankr. LEXIS 696, (N.D. Ind. Feb. 17, 2010)
- Warsco v. Alliance Foods, Inc., 2011 U.S. Dist. LEXIS 21597, (N.D. Ind. Mar. 2, 2011)
- In re Witt, 473 B.R. 284 (Bankr. N.D. Ind. 2012)
- In re Witt, 481 B.R. 468 (Bankr. N.D. Ind. 2012)

Professional Associations

- Past President, Indiana State Bar Association, Bankruptcy & Creditors' Rights Section; Construction Law Section
- Member, Allen County Bar Association
  - Past President
  - Past Board Member
  - Bankruptcy Section Liaison Committee Chair
- Panel Trustee, United States Bankruptcy Court, Northern District of Indiana, Fort Wayne Division
- Member, American Bankruptcy Institute
- Board Member, Building Contractors Association, 2013-2024
  - Chairman, Governmental Affairs Committee, 1998-2004
- Member, National Association of Bankruptcy Trustees

Civic Involvement

- Board Member, Fort Wayne Rescue Mission (2016-2023)
- Board Member, Jesus in Haiti Ministries, Inc. (2008-Present)
- USA Zone 7 Trustee, Gideons International (2025-Present)
- State Vice President, Gideons International (2009–2025)
- Board Member, Northern Indiana United Methodist Foundation (2008-2011)
- Board Member, The African/African-American Historical Society, Inc. (1999-2007)
- Board Member, Indiana Legal Services (2004–2006)
- Advisory Council, Downtown Improvement District (2000–2002)
- Board Member, Boy Scouts of America (1999–2001)
- Board Member, Midtowne Crossing Owners Association (1999–2001)
- Board Member, Indiana University Alumni Association Northeast Indiana Chapter (1997–2001)
- Board Member, East Central Housing Corporation (1998–2000)
- Board Member, East Wayne Street Center (1993–1999); Past President

Awards & Recognitions

- Named "Lawyer of the Year" by Best Lawyers®
  - Banking and Finance Law, Fort Wayne (2025)
  - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Fort Wayne (2024)
  - Bet-the-Company Litigation, Fort Wayne (2024)
  - Banking and Finance Law, Fort Wayne (2021)
  - Litigation - Bankruptcy, Fort Wayne (2019)
  - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Fort Wayne (2018)
  - Bet-the-Company Litigation, Fort Wayne (2017)
  - Litigation - Bankruptcy, Fort Wayne (2016)
  - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Fort Wayne (2015)
  - Litigation - Bankruptcy, Fort Wayne (2014)
  - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Fort Wayne (2012)
- The Best Lawyers in America® 2006-2027
  - Banking and Finance Law
  - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law
  - Bet-the-Company Litigation
  - Litigation - Bankruptcy
- AV Preeminent® Rating from Martindale-Hubbell®
- Indiana Super Lawyers, 2004–2026
- *Fort Wayne Magazine*, Top Lawyer, 2016

Seminars & Presentations

- Presenter, “Bankruptcy Update,” Allen County Bar Association, September 2015, 2016
- Presenter, “Ethics,” Northeast Indiana Paralegal Association, April 2015
- Presenter, “When Bankruptcy & Construction Collide,” Indiana State Bar Association, April 2015
- Panel Member and Contributing Author, Sigmund J. Beck Advanced Bankruptcy Roundtable, 2008–2015
- Presenter, “The Impact of Personal Injury/Wrongful Death Bankruptcy & Divorce on Your Estate Plan,” Allen County Bar Association, July 2013
- Presenter, “Bankruptcy Issues in Probate and Tax,” Allen County Bar Association, July 2013
- Presenter, “All is Not Lost—Representing Secured Creditors in Bankruptcy,” Bench Bar, Allen County Bar Association, February 2013
- Presenter, “Spend Down of Assets Pre-Bankruptcy” and “Debtor Business Interest in Chapter 7,” U.S. Trustee Conference, October 2012
- Presenter, “Seven Things Every Family Lawyer Should Know About Bankruptcy After the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005,” 8th Annual Family Law Institute, October 2010
- Presenter, “Recent Seventh Circuit Cases,” 17th Annual Central States Bankruptcy Workshop, June 2010
- Presenter, “Basic Bankruptcy,” Allen County Bar Association, October 2009
- Presenter, “Collection Tools,” Building Contractors Association, March 1998

- Presenter, “Estate Planning & Probate for the Paralegal/Legal Assistant in Indiana,” Institute for Paralegal Education, January 1998
- Presenter, “Asset Protection Planning in Indiana,” National Business Institute, Inc., May 1994
- Presenter, “Advanced Real Estate Law,” National Business Institute, Inc., August 1993
- Presenter, “Representing the Business Creditor,” Indiana Continuing Legal Education Forum, April 1993
- Presenter, “Protection of Secured Interests in Bankruptcy in Indiana,” National Business Institute, Inc., October 1992
- Presenter, “Basic Bankruptcy,” National Business Institute, Inc., September 1991

Publications

- Author, "Lenders Must Diligently Protect Their Interests," December 8, 2020
- Author, "Inchoate Mechanic's Lien Right Presents a Defense to Preference Claim," July 29, 2019
- Author, "Joint Check Agreement Did Not Protect Supplier from Preference Claim," July 10, 2019
- Author, "Manage Your Receivables Now To Avoid Losses Later," December 19, 2017
- Author, "Buying Votes in Chapter 11," *American Bankruptcy Institute,* February 2011
- Author, "Collection Tools," March 1998
- Author, "Asset Protection Planning in Indiana," May 1994
- Author, "Advanced Real Estate Law," August 1993
- Author, "Representing the Business Creditor," *April 1993*
- Author, "Protection of Secured Interests in Bankruptcy in Indiana," October 1992