

Maria CHERNER

PARTNER | ATTORNEY

Mob.: +7 964 796-61-69

Tel.: +7 495 920-06-22

E-mail: Maria.cherner@lexartis.ru



Experience at Lex Aris Maria is a co-founder of and a partner in LEX ARTIS since 2016. Maria is responsible for the several areas the firm focuses on: dispute resolution, bankruptcy, family law, international commercial arbitration, intellectual property / TMT, and commercial practice. Maria's main area of expertise is bankruptcy law, family law, and complex legal disputes, including those complicated by a foreign element.

Maria has had plenty of experience in advising clients with a high-level private capital on issues related to divorce, determining the place of residence of children, division of property, including issues requiring the consideration of the corporate structure of the clients' business in Russia and abroad.

Recently, Maria has also had breadth of experience in representing the interests of beneficiary clients and top managers of banks that are in the process of bankruptcy, bringing them to subsidiary liability for bank debts.

Educational background

National Research University – Higher School of Economics (HSE), degree in Law, 2003

Advanced training programs (without limitation):

- “Prenuptial agreement and property division agreement,” 2019
- “Buildings and premises therein: construction, distribution, management, control, protection,” 2019
- “Family law in disputes over property and children, in bankruptcy, and inheritance,” 2019

Career history

Before founding a law firm of her own, Maria worked for a major international law firm (The Legal 500, etc.), where she supervised family law and IP/TMT issues, headed the dispute resolution practice, and in particular, participated in managing disputes in the LCIA.

Professional communities

- Lawyer, member of the Moscow Region Bar Association since 2006, reg. No. 50/5307.
 - Member of the Russian Arbitration Association since 2013
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Languages

Fluent in Russian and English. Learns Spanish.

Selected projects (family law and real estate)

- Representing a client in a court dispute on recognizing the pre-emptive right to receive an indivisible thing in the form of an apartment as an inheritance share, recognizing the title to the entire apartment, and recovering compensation.
 - Representing one of the spouses in a court dispute over the division of property located outside the Russian Federation, the implementation of the spouse's right to live in the apartment of the other spouse until their common child reaches the age of majority.
 - Representing one of the spouses in a court dispute with other family members about using the apartment.
 - Representing a UK-based client in a Russian court in a dispute concerning the determination of the child's place of residence or the child's return to the other parent residing in Russia. During hearings, the court was convinced that the child had been continuously living in the UK for a considerable period of time, had a true-life and active relationship with the country, the child's link to Russia had been lost so that a Russian court, in accordance with Article 5 of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement, and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children signed at the Hague on October 19, 1996, came to the conclusion that currently, the UK judiciary had jurisdiction over taking measures to protect the child's identity or property, and in particular over the issues of determining the place of the child's residence and the child's return to the other parent.
 - Preparing an opinion for a foreign court regarding the application of Russia's family law to family relations in which one of the spouses was a foreign citizen and the other was a Russian one.
 - Managing a deal on distributing the property of a foreign company (Russia-based real property portfolio) being liquidated to a participant of the company, managing registration with Russia's competent authorities.
 - Representing a foreign company that owns an office building in Moscow in legal disputes over the restoration of rights to the same. The control over the asset was lost due to the counterparty's violation of the option agreement, illegal sale of the asset, and liquidation of the company.
 - Representing a client in the acquisition of expensive real estate (architectural monuments) in downtown Moscow. Performing due diligence of real estate facilities and developing a corporate ownership structure for this asset, while taking into account the legal peculiarities of dealing with architectural monuments.
 - Representing a client in a dispute over recognizing non-residential premises as the shared property of the owners of premises in an apartment building.
 - Representing a pool of construction co-investors in courts of general jurisdiction in disputes with the developer of a residential building who
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double-sold apartments in a building under construction, on recognizing the title to the apartments, including those not yet commissioned.

- Representing a developer in a dispute with the Moscow Government over the collection of debts for existing infrastructure in the amount of about USD 6 million to the Moscow budget.
 - Representing a developer in arbitration courts on a claim to require the Moscow Government to sign an acceptance certificate on investment project results, which records the fact that the developer has properly fulfilled its obligations under the contract.
 - Representing a group of companies in an arbitration dispute with the Moscow Government and its structural bodies on appealing inaction when registering land and legal relations based on the acts issued by the above authorities.
 - Representing a developer in an arbitration dispute with the Moscow Government, which initiated a judicial procedure to terminate the agreement on leasing a land plot on which the developer designs and builds a hotel facility.
 - Successful representation of a construction company in a court dispute with the Moscow Government on recovering the cost of the apartments sold by the construction company as part of an investment project with the Moscow Government.
 - Developing a legal position for a client, being the owner of a Moscow-based building, on the options to sell the same considering taxation and corporate legislation issues.
 - Representing a client in the Moscow Region Court in a dispute on establishing the cadastral value of a land plot in the amount of its market value.
 - Representing a developer in disputes with purchasers of residential property in respect of recovering funds from the client, which, according to the applicants, are a proportionate reduction of the property value due to the inconsistency of its actual parameters with those envisaged in the co-investment agreements, as well as in respect of recovering a penalty.
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