

Jason M. Ayres

Principal

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Financial institutions and diverse businesses consistently count on Jason to obtain optimal resolutions in their insolvency, bankruptcy and litigation matters.

Jason's practice focuses on helping financial institutions, small businesses and farms in commercial insolvencies, bankruptcy proceedings and business disputes. He frequently advises clients in complex Chapter 11 and Chapter 12 bankruptcy proceedings as well as receiverships and workouts.

Jason has significant experience in matters involving agricultural lending, equipment leasing and financing. He is an effective negotiator and facilitator, and dedicated to providing practical solutions to his clients facing complex commercial and agricultural issues.

He regularly appears in federal and state court proceedings in Oregon and Washington.

Jason is also a regular speaker on insolvency and restructuring topics.

Education

J.D., Lewis & Clark Law School, 2000
B.A., University of Virginia, Economics, 1996
London School of Economics, London, England, 1995

Services

Litigation
Alternative Dispute Resolution
Business & Corporate Finance
Financial Services
Commercial & Real Estate Finance
Creditors' Rights & Bankruptcy
Real Estate
Real Estate, Land Use & Environmental

Admissions

Oregon, 2000
Washington, 2007
U.S. District Court, District of Oregon
U.S. District Court, Eastern District of Washington
U.S. District Court, Western District of Washington
U.S. Bankruptcy Court, District of Oregon
U.S. Bankruptcy Court, Eastern District of Washington
U.S. Bankruptcy Court,

Clerkships

The Hon. Stephen L. Gallagher, Multnomah County Circuit Court,
2001

Western District of
Washington

U.S. Court of Appeals for
the 9th Circuit

Honors & Recognition

- *Best Lawyers in America*[®] - Bankruptcy and Creditor Debtor Rights, 2021-present

Professional Activities

American Bankruptcy Institute, Member

Equipment Lease and Finance Association, Member

Oregon Bankers Association, Member

Oregon State Bar, Member

- Agricultural Section
- Debtor Creditor Section

Risk Management Association, Member

- General Counsel and Board Member, 2020-present

Turnaround Management Association, Member

Washington State Bar Association, Member

- Debtor Creditor Section

Experience

Confirmation of lender's competing plan over farm debtor

Represented lender to successfully obtain confirmation of its competing plan over a farm debtor, which initially filed a highly contested Chapter 11 bankruptcy and later unsuccessfully attempted to convert to a Chapter 12 bankruptcy. The confirmation concluded a nearly three-year dispute that commenced in state court litigation originally involving three co-borrowers in Washington state.

Confirmation of lender's competing plan over winery/vineyard debtor

Assisted lender in obtaining appointment of a receiver in a state court proceeding regarding vineyard/winery borrowers that

subsequently filed companion Chapter 11 cases. Successfully objected to debtor's attempt to convert to a Subchapter V proceeding. Secured confirmation of lender's competing plan of liquidation over debtors' reorganization plan in an eight-day trial in the Eastern District of Washington.

Negotiated release of \$17 million guaranteed debt in Chapter 11 wind down

Represented an equipment lease and finance company in a Chapter 11 bankruptcy to wind down the company while negotiating a release of guaranteed debt of over \$17 million.

Attained possession of equipment subject to asserted CERCLA lien and negotiated its subsequent sale

Assisted equipment finance company in converted Chapter 11 bankruptcy to obtain possession of equipment financed for fertilizer manufacturer which was subject to CERCLA claims by the EPA and an asserted surcharge by the Chapter 7 trustee. Client obtained equipment free of liens and claims and subsequently negotiated sale to an international buyer on behalf of client.

Secured payment in full of significant construction loans in Chapter 11 reorganization

Represented national lender in Chapter 11 reorganization of regional construction developer to ensure payment in full of loans secured by residential developments.

Obtained favorable resolution for financial institution in litigation and workout proceedings involving farm

Represented financial institution in complex litigation and workout proceedings involving large regional potato and onion farmer for a favorable resolution and agreed payoff to lender.

Assisted lender in the recovery of cattle and proceeds across several states

Assisted lender in the appointment of receiver over cattle operation to recover cattle and proceeds from multiple states and to pursue fraudulent conveyances associated with missing cattle.

Appointment of receivers in numerous commercial real estate and business liquidations

Regularly assists lenders in the appointment of receivers to liquidate commercial properties and businesses, including entertainment venues, apartments, coastal hotels and boat manufacturing business.

News

38 Attorneys Named 2022 Best Lawyers in America; 11 Named Best Lawyers: Ones to Watch
Foster Garvey Newsroom, 8.19.21

43 Attorneys Named 2021 *Best Lawyers in America*; 10 Named Best Lawyers: Ones to Watch
Foster Garvey Newsroom, 8.20.20

Jason Ayres Named General Counsel of RMA Portland Metro Chapter; Elected to Board
Foster Garvey Newsroom, 2.18.20

Speaking Engagements

"The Coming Storm of Problem Loans," RMA Portland Metro Panel
Panel Discussion
Virtual Event, 10.27.20

"Current Agricultural Insolvency Issues in the Northwest," Oregon Bankers Association
Agriculture Roundtable
Speaking Engagement
Virtual Event, 8.12.20

"Banking Horror Stories," Risk Management Association (RMA) - Portland Metro Chapter
Speaking Engagement
Portland, OR, 10.23.19

Legal Alerts

Supreme Court Clarifies That Section 362(a)(3) Does Not Prohibit the Mere Retention of a
Debtor's Property
1.28.21

Chuck E. Cheese and *Pier 1* Rulings Highlight Risks and Considerations for Commercial
Property Landlords and Tenants in Bankruptcy Proceedings
1.15.21

Ninth Circuit Opens the Door to Limited Nonconsensual Third Party Releases in Chapter 11
Plans
8.18.20

(Not-So) Small Business Reorganization Act: CARES Act Expands SBRA Eligibility
4.6.20

Publications

Foster Garvey COVID-19 Resource Center
3.18.20