Foster Garvey

Creditors’ Rights & Bankruptcy

Protecting interests, safeguarding your *future*

From bankruptcy proceedings to receiverships, asset acquisitions, and complex foreclosures, our team is committed to protecting your interests, delivering innovative solutions and providing strategies to help you navigate the most complex insolvency challenges. We represent a diverse range of industries, including banking, agriculture, manufacturing, real estate, and retail, bringing decades of experience to help creditors and businesses alike manage their financial risks.

Secured lenders, borrowers, guarantors and receivers frequently turn to us for guidance in all aspects of workouts and realization proceedings, including non-judicial and judicial foreclosures, lending litigation and receiverships. Our attorneys have appeared on behalf of clients in nearly every state and in matters under all chapters of the Bankruptcy Code. We also represent plaintiffs and defendants in bankruptcy-related litigation, including claims by and against trustees, claims against former officers and directors, and recipients of allegedly avoidable transfers.

Recognized for their work in several states as well as nationally, our practice and individuals are consistently ranked by Best Lawyers in America©, Chambers USA and Best Law Firms. We're proud to be acknowledged for our ability to craft strategies that align with our clients’ overall business objectives while minimizing the burdens of litigation. You can count on us for trusted advice and solid representation in bankruptcy, restructuring and insolvency matters.

Bankruptcy

Foster Garvey Creditors' Rights & Bankruptcy attorneys have significant experience nationwide in the bankruptcy, restructuring and insolvency process. This practice includes the representation of secured and unsecured creditors, unsecured creditors’ committees, debtors, bankruptcy trustees, purchasers, investors and other interested parties. We assist clients in reorganization and liquidation cases, as well as in out-of-court workouts and debt restructurings. We additionally appear in contested adversary proceedings.

Receiverships

In addition to assisting clients with the appointment of receivers, we also have extensive experience representing receivers. This provides us with unique insight into how a receivership can be used to provide clients with the best overall benefit. Our experience includes receiverships involving sales of income-producing real estate such as hotels and apartments, contaminated real property, operation and management of small to medium businesses for the benefit of creditors, agricultural operations, the health care industry and other receivership proceedings to carry out or enforce judgments. We can provide the right advice to determine whether a receivership is the proper remedy based on our clients’ needs.

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Transactions: Asset Acquisitions and Sale of Assets

We represent purchasers in acquisitions as well as receivers and bankruptcy trustees to help facilitate the sale of assets. Our team has the experience required to help you plan, implement and maximize the value of these transactions. We also provide the legal support you need when a debtor becomes insolvent, which often includes negotiating out-of-court workouts and collaborating with turnaround consultants. We'll also assist with the preparation of forbearance agreements and modifications of troubled loans. Our attorneys also regularly help reorganize the financial affairs of financially troubled individuals and entities.

Foreclosures

We represent creditors in foreclosures, including highly complex and contested proceedings. On behalf of our clients, we enforce both judicial and non-judicial foreclosures of security interests in a debtor's property, both real and personal. Our services also involve counseling creditors on self-help remedies available to them under the Uniform Commercial Code. In addition, we litigate defenses and counterclaims asserted against clients by borrowers and guarantors, including defenses and counterclaims based on a theory of lender liability.

Proactive Strategies for Protection

The best way to avoid costly litigation is by being proactive. We help creditors secure their interests before problems arise, by reviewing contracts and negotiating protections in their agreements with customers and vendors. Whether it's securitizing loans or preparing for potential insolvency, our team ensures you're in the strongest possible position to protect your business. managing labor relations challenges.

Contact

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