



# **CREDITOR'S RIGHTS & BANKRUPTCY**



## PROTECTING YOUR BUSINESS & PERSONAL INTERESTS

Hartman Simons & Wood LLP understands that not every business endeavor is a success story. When your business circumstances take an unfortunate turn, our attorneys and paralegals are primed to protect your interests. We take a proactive approach to minimize your risk, working for the benefit of your business today, as well as the protection of your personal goals tomorrow.

### TRUSTED ADVISORS

First, we conduct a careful analysis of your situation, taking into account the legal, financial and personal repercussions of all potential strategies. Then, we explain all your available options, and draw on our substantial knowledge and experience to advise you about the implications of your choices. With this information and guidance, you are in the position to make the business decision that will provide optimal resolution in your situation.



## AREAS OF EXPERTISE

We seek resolutions that ensure a solid future for you and your business, while minimizing the short-term impact.

Companies of all sizes in many industries rely on our expertise in the following areas:

- Bankruptcy litigation
- Foreclosures
- Loan workouts
- Distressed real estate
- Landlord-tenant bankruptcy
- Avoidance actions

Sometimes, business circumstances require difficult decisions. The attorneys of Hartman Simons & Wood LLP work to make those decisions easier for you.



## **CREDITOR & BANKRUPTCY SERVICES**

### **BANKRUPTCY LITIGATION**

Bankruptcy is a complicated and difficult process that requires advice and assistance from knowledgeable advisors. Hartman Simons & Wood LLP's experienced team of commercial bankruptcy attorneys work closely with members of each of our practice groups to analyze the situation and negotiate carefully structured workout, reorganization and refinancing arrangements. When negotiations are not yielding the desired results, litigation is often required to obtain the ultimate solution. In state and federal courts nationwide, we represent the prosecution and defense of bankruptcy litigation for corporate, real estate and technology clients.

### **DISTRESSED REAL ESTATE**

Hartman Simons & Wood LLP provides counsel to clients on the purchase or sale of distressed real estate. We carefully evaluate your business objectives to determine if the asset represents a secure investment with an effective potential return.

### **FORECLOSURES**

Unfortunately, many businesses and individuals use foreclosure as an exit strategy. Hartman Simons & Wood LLP works closely with financial advisors to determine if foreclosure is the best solution in the particular situation of financial hardship. When that decision has been made, our experienced team is proficient at foreclosure proceedings, ensuring that all details are carefully managed and recorded.



## LANDLORD-TENANT BANKRUPTCY

Hartman Simons & Wood LLP attorneys have extensive experience in all aspects of landlord-tenant relationships. When a landlord or tenant defaults on a lease, our team of experts mediates between the parties to identify a resolution that addresses a multitude of issues, including:

- Lease enforcement
- Contract enforcement
- Bankruptcy proceedings
- Reorganization plans
- Payment plans

## WORKOUTS

Neither litigation nor bankruptcy is the most efficient resolution for an asset in default. Instead, when analysis shows it is advisable, we seek a negotiated, voluntary settlement that protects our client's portfolio. Our team facilitates workouts involving credits of all sizes and levels of complexity, including:

- Single-asset real estate loans
- Commercial loans
- Local or regional companies
- Multi-bank credits
- Real estate companies
- Operating companies

Workouts vary from traditional economic restructurings or collateral recovery to so-called liquidation workouts or prepackaged bankruptcy plans.



# **DISTRESSED PROPERTY, WORKOUTS & RESTRUCTURING**

## **KNOWLEDGEABLE ASSISTANCE WITH DISTRESSED PROPERTY DEALS**

Hartman Simons & Wood LLP has an established practice supporting transactions involving all facets of distressed real estate. Our multi-disciplinary team has deep legal and business expertise in evaluating the opportunities and addressing the challenges created by today's currently evolving real estate market. We are uniquely qualified to advise and assist property owners, investors, lenders, retailers and special loan servicers in a broad range of transactions. Our attorneys are leaders in their respective practice areas and possess experience in real estate, bankruptcy, litigation, land use and environmental matters, government relations and construction law. That experience enables Hartman Simons & Wood LLP to analyze, negotiate and craft creative settlements and transaction structures as part of our national, commercial real estate practice.

In particular, our attorneys provide assistance to our clients in the following areas:

- Regional and Community Banks
- Foreclosures
- REO transactions
- Note and Bulk Property Sales
- Forbearance Agreements and Workouts
- Receiverships
- Special Loan Servicers
- Leasing
- Investment Sales
- Receiverships
- Equity groups
- Deal sponsorship
- Fund Formation
- Acquisition of Distressed Property and Notes
- Recapitalizations
- Investors/Borrowers
- Loan Workouts
- Short-Sales
- Partnership Disputes

## **SUCCESSFUL EXPERIENCE KEEPS PACE WITH RECENT DEVELOPMENTS**

Hartman Simons & Wood LLP's recent representative transactions in the distressed property arena include:

- A regional bank's issues involving:
  - Foreclosure and other enforcement action
  - Bulk sale of REO assets
  - Residential lots
  - Raw land
  - Commercial assets
  - Sale of non-performing notes
  - An equity group in all facets of enforcing and managing its recent acquisition of a billion-dollar loan portfolio from the FDIC
  - The FDIC and surrounding issues, including:
    - Workouts
    - Debt restructurings
    - Enforcement actions
    - Borrowers in the negotiation of loan workouts, including:
      - Debt restructurings
      - Short-sales
      - Deed-in-lieu of foreclosure transactions
      - Other structured settlements
      - Special loan servicers in the lease-up and repositioning of large retail real estate projects



## **BUSINESS SOLUTIONS FROM A TRUSTED PARTNER**

Our clients value our attorneys' business acumen as much as their outstanding legal credentials, and they appreciate the attentive service our firm consistently provides. Access the power of a legal partner you can rely upon to understand your business objectives and help you get it done.

**For more information on these services, contact us:**  
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