

Our creditors' rights team represents a wide array of clients including national and regional banks, financial service institutions, real estate and commercial mortgage backed security (CMBS) servicers, purchasers of distressed assets, contractors, trade creditors, mechanic's lien claimants, manufacturers, equipment lessors, landlords and tenants. Our team provides a full complement of services across the states of North Carolina and South Carolina to assist our clients in resolving their credit related issues, including:

- Loan Workouts
- Forbearance Agreements
- Receiverships
- Foreclosures
- Mechanic's Liens
- Distressed M&A Activity
- Bankruptcy Representation
- Lender Liability Defense
- Loan and Debt Collection
- Security Interests and Enforcement
- Construction Related Insolvency Issues
- Sales of Debt Instruments

OUR SERVICES:

Loan Workouts and Restructuring

We regularly negotiate and draft loan restructures, workouts, and forbearance agreements for both commercial secured and unsecured loans. In the event a resolution cannot be achieved through the workout process, we pursue litigation and provide bankruptcy representation as needed to preserve collateral and maximize recovery.

Representative services include:

- Structuring transactions to minimize the impact of subsequent insolvency or bankruptcy and preservation of collateral
- Assistance in mergers and acquisitions (M&A) of distressed companies
- Modification and restructuring agreements
- Forbearance agreements
- Security agreements, financing statements and perfection of security interests
- Acquisitions and sales of financially troubled entities
- Extensions of credit and sales to financially troubled entities

Bankruptcy Representation

We handle virtually every type of issue that arises in bankruptcy reorganization and liquidation cases under Chapter 7, Chapter 11,



and Chapter 13. Our team provides the full spectrum of services to optimize treatment by the bankruptcy process.

Representative services include:

- Protection of cash collateral
- Motions for adequate protection and motions for relief from stay
- Filing proof of claims and litigating claim objections
- Negotiation of claim treatment and post-petition financing
- Contesting plan of reorganization confirmation and treatment
- Litigation of preference, fraudulent transfer, and lien avoidance actions
- Claims for setoff and reclamation
- Contesting discharge and dischargeability
- Treatment of executory contracts and leases
- Litigation of claims in adversary proceedings

Creditors' Rights Litigation

We are experienced litigators who represent clients in the state and federal courts of North Carolina and South Carolina. The breadth of our team's capabilities allows us to represent our clients expediently, efficiently, and comprehensively.

Representative services include:

- Prosecution of claims and commercial litigation
- Foreclosure and/or Article 9 sales of collateral
- Guarantor litigation and guaranty enforcement
- Deficiency litigation
- State and Federal receiverships
- Defense of lender liability claims, including fraud, breach of contract, breach of fiduciary duty, and breach of good faith and fair dealing
- Enforcement of security agreements under UCC Article 9
- Commercial paper disputes under UCC Article 3
- Collection actions, including claim and delivery actions for personal property collateral, garnishment and attachments, and supplemental proceedings for post-judgment enforcement
- Title disputes



Construction Related Insolvency Issues

Our firm's co-extensive experience as construction litigators allows our team to uniquely represent our clients at the crossroads of construction law and bankruptcy matters in construction projects with bankrupt contracting entities.

Representative services include:

- Owner and/or contractor project planning involving bankrupt contracting entities
- Project completion strategy including completion on budget and avoiding project delay
- Avoidance of claims and double payment to contracting entities
- Mechanic's lien filing and litigation
- Prosecution of claims and construction litigation
- Filing proof of claims and litigating claim objections in bankruptcy
- Negotiation of claim treatment and bankruptcy plan treatment
- Contesting bankruptcy plan of reorganization confirmation and treatment

OUR TEAM:

Our team regularly meets with our Financial Services, Construction, Commercial Real Estate, and Corporate legal teams to keep abreast of all issues that might affect the intricate and ever-changing area of creditors' rights law. The leveraged experience of all these groups allows our team, and our firm, to offer a suite of services to our clients that are distinctive in scope, awareness and thoroughness. Through our extensive knowledge and capabilities we protect our clients' interests throughout the state and federal courts of North Carolina and South Carolina.

Please contact: Kenny Lautenschlager or Scott Miller

