

# CREDITORS' RIGHTS AND INSOLVENCY

Whether you manage a business forced to deal with an insolvent customer or supplier, a lender dealing with a troubled loan or you're looking to take advantage of an acquisition opportunity through a bankruptcy sale, Babst Calland's Creditors' Rights and Insolvency Group has the knowledge and experience to guide you through financial challenges.

Our Creditors' Rights and Insolvency attorneys represent regional and local banks in adjusting troubled credits, as well as structuring and documenting commercial loans. We also regularly counsel large and small businesses facing collection or supply difficulties because of financial issues facing their customers and suppliers.

Our group has represented Fortune 500 companies dealing with the complex intersection between bankruptcy and environmental law. We also represent creditors' committees in chapter 11 cases, court-appointed trustees, receivers in asset liquidations and debtors in financial workouts, both within and outside of bankruptcy.

Our practice areas include:

- Bankruptcy and reorganization, including complex environmental issues;
- State and Federal Court Receiverships;
- Real estate foreclosures;
- Secured creditor asset sales under the Uniform Commercial Code;
- Purchasing assets from bankruptcy debtors; and
- Commercial lending and title services.

## Bankruptcy and Reorganization

Enforcement of the rights of secured and unsecured creditors, both inside and outside the bankruptcy arena, is the cornerstone of the Creditors' Rights and Insolvency Group. Our extensive experience with commercial and financial transactions enables us to provide both secured and unsecured creditors in a variety of industries with a variety of services, including:

- Negotiating and drafting orders authorizing the use of cash collateral
- Filing motions for relief from the automatic stay
- Preparing and responding to motions for the use, sale or lease of estate property and the rejection or assumption of executory contracts
- Negotiating and drafting debtor-in-possession financing documents and orders
- Serving as counsel to creditors' committees, including developing strategies for directing the progress of bankruptcy cases, monitoring the activities of the debtor and providing advice on maximizing recoveries for the benefit of the committee constituents
- Preparing and reviewing Plans of Reorganization and Disclosure Statements
- Analyzing documents, public records and claims to determine creditors' respective secured positions in collateral, lien perfection status and priorities



- Preparing proofs of claim, and
- Defending preference actions and fraudulent conveyances.

Recognizing that insolvency challenges are not always resolved in bankruptcy court, our attorneys are experienced in representing and advising secured and unsecured creditors in out of court workouts and out of court liquidations, including:

- Real estate foreclosures
- Replevin actions
- Ejectment actions
- Confessions of Judgment
- Asset sales under the Uniform Commercial Code
- Negotiating and documenting sales of distressed debt by secured creditors
- Representing court appointed receivers in connection with asset liquidations and engaging receivers for the benefit of secured creditors
- Negotiating and drafting forbearance agreements and modifications to existing loan agreements and credit facilities and
- Representing purchasers of goods and services who are forced to deal with non-performing, financially troubled or bankrupt suppliers and customers.



## Commercial Lending Services

We represent a number of regional and smaller banks, as well as borrowers, in a variety of commercial lending transactions, including asset-based financings, real estate loans, and multi-tiered financings involving debt and equity and unsecured loans. We advise our clients on the legal consequences of various forms of loan structures, document new secured and unsecured commercial loans and provide advice on a variety of other financial transactions.

## Mediation Services

One of our attorneys is a certified mediator in the Mediation Program of the United States Bankruptcy Court for the Western District of Pennsylvania. Through this program, the mediator uses his knowledge and practical experience to help parties seek creative solutions outside the courtroom.

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## Commitment and Experience

The attorneys of Babst Calland's Creditors' Rights and Insolvency Group have the knowledge and practical experience to guide clients through difficult financial situations. While business can be unpredictable, our attorneys are nimble and able to work through the unique challenges facing distressed businesses, its creditors and stakeholders. Our goal is to provide sound, cost-effective and practical legal advice. Whether you're facing a formal bankruptcy proceeding or a non-judicial restructuring, or if you need advice on dealing with a financially-distressed customer, supplier, tenant or other business partner, the attorneys of Babst Calland's Creditors' Rights and Insolvency Group are prepared to help with the concerns you identify, and, perhaps more importantly, to help identify and solve issues you may not have yet envisioned.



Industries served include:

- Chemical
- Steel
- Automotive
- Coal
- Manufacturing
- Food
- Hospitality
- Golf
- Construction
- Health Care
- Oil and Gas
- Real Estate and Title Insurance
- Commercial and Residential Landlords
- Gaming

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