

# WORKOUTS, FORECLOSURE AND BANKRUPTCY

At the inception of every transaction, no business owner ever expects to default—and, as a practical matter, most never do. However, occasional business defaults, failures, and bankruptcies are unfortunate facts of life. When problems do occur, prompt, smart and creative actions are critical ingredients in a successful outcome.

Our attorneys represent institutional lenders, borrowers and equity investors in connection with their interests in financially-distressed real estate. Because we understand that a workout may be preferable to foreclosure in many circumstances, we routinely negotiate deeds in lieu of foreclosure, loan and mortgage modifications, forbearance agreements and other pre-foreclosure arrangements and strategies. When the timing is right, we assist lenders and investors in exercising their foreclosure rights, including foreclosure by both action and advertisement. We collaborate with our Real Estate and Construction Litigation attorneys to enforce business and personal guaranties, and to effectively handle other enforcement issues that may arise.

We have unique experience in representing clients in connection with mid-foreclosure acquisitions, successfully negotiating and closing the sale, purchase and assignment of loan documents, sheriff's certificates of sale, and the right to proceed in a foreclosure by action. With the expertise of our Bankruptcy and Debtor/Creditor Law attorneys, we can also assist clients with the myriad of issues that result in the event of a pre- or mid-foreclosure bankruptcy filing.

## Workouts, Foreclosure and Bankruptcy Services

- Deeds in Lieu of Foreclosure
- Forbearance Agreements
- Loan and Mortgage Modification
- Foreclosure by Action
- Foreclosure by Advertisement
- Voluntary Foreclosures
- Enforcement of Guaranties
- Mid-Foreclosure Acquisitions
- Bankruptcy Issues

### TEAM

#### Attorneys

- Timothy (Tim) Walsh