

# Banking, Bankruptcy & Creditors' Rights Law

The members of Plunkett Cooney's Banking, Bankruptcy & Creditors' Rights Practice Group have represented banks, savings and loan associations, mortgage companies, credit unions, finance companies and servicers for over 25 years. Several members of the group have extensive experience as in-house bank counsel prior to joining the firm.

Clients tell us that they appreciate and value Plunkett Cooney's ability to appropriately staff their matters with one attorney or a team of professionals, if necessary, to achieve their litigation and business objectives consistently, efficiently and cost effectively.

Our Banking Bankruptcy & Creditors' Rights Practice Group members provide an array of services, including the following:

## **Acquisition of New Banking Powers**

Plunkett Cooney assists banks, savings and loan associations, and other financial institutions in the acquisition of new business powers relating to, among other things, securities, insurance and real estate. Such ventures require a detailed understanding of both state and federal statutes and regulations. Our attorneys are available to prepare the applications required to obtain such powers and to assist financial institutions with the many regulatory compliance questions that arise in their business operations.

We have assisted in the formation of banks, as well as in mergers and asset purchases. From a legal perspective, such services require a coordinated team approach which, given our many areas of specialization, Plunkett Cooney has been able to effectuate for the benefit of our clients.

## **Banking Litigation**

Our attorneys handle banking-related litigation of all types, including matters involving negotiable instruments (such as forged checks, joint payee check claims and actions alleging wrongful dishonor), construction liens and letters of credit. Plunkett Cooney's lender clients have prevailed in such actions by summary disposition, jury and non-jury trial verdict and upon appeal. In addition to litigation services, our attorneys assist lenders in claim avoidance and negotiation, and settlement of claims prior to litigation.

## Bankruptcy

Plunkett Cooney represents lenders and other creditors in the various types and stages of bankruptcy cases, beginning with pre-bankruptcy workout efforts, continuing with the many services required during the pendency of a bankruptcy case and concluding with all necessary recovery and monitoring activities after a case is closed.

Our attorneys negotiate cash collateral and debtor-in-possession financing orders, file and prosecute motions for relief from the automatic stay, defend preference claims and enforce the rights of lenders, both during and after a bankruptcy case. They also perform services in Chapter 11 reorganizations, Chapter 7 liquidations and Chapter 13 individual bankruptcies.

Plunkett Cooney has extensive experience in all aspects of bankruptcy, including asserting and enforcing lenders' claims, defending lenders in bankruptcy litigation brought by debtors and other parties, negotiating with various parties and participating in bankruptcy court hearings. The firm has established a strong reputation among other legal service providers, who refer matters to Plunkett Cooney, as well as among bankruptcy judges.

In addition to its work on behalf of financial institutions, Plunkett Cooney represents numerous other parties in bankruptcy, insolvency and collection proceedings. Our attorneys represent creditors, including individuals, corporations, partnerships, title insurers, taxing authorities, creditor committees, trustees and other entities nationally.

## Creditors' Rights

Plunkett Cooney's banking, bankruptcy and creditors' rights attorneys work with commercial banks, servicers, receivers, and investors on commercial real estate workouts, foreclosures, bankruptcies and receiverships in Michigan, Ohio and Indiana.

The members of Plunkett Cooney's banking, bankruptcy and creditors' rights group have extensive experience and many have previously worked as in-house bank attorneys prior to entering private practice. They are intimately familiar with the processes and goals of their clients and work to resolve matters quickly and efficiently.

The firm's expertise includes virtually all property types, including office, residential, multi-family, mobile home communities, retail, healthcare, hotels, restaurants, golf courses and industrial. Plunkett Cooney's attorneys are frequently called upon to handle troubled assets ranging from smaller loans to those well in excess of \$100 million.

Plunkett Cooney's attorneys routinely handle loan workout negotiations, distressed loan sales, receiverships, deeds in escrow, deed-in-lieu transactions, forbearance agreements, loan modifications and bankruptcy matters.

When loan workouts cannot be resolved amicably, the firm's expertise extends into the courtroom, with particular expertise in resolving cases involving fraud, creditors' rights, REO property, issues related to foreclosures, receiver's sales and lender liability claims.

Plunkett Cooney also represents numerous entities in the automotive industry, including suppliers and secured creditors of various automotive firms. Our attorneys represent creditors in all types of proceedings, including preference actions, reclamation, unsecured trade claims, secured and administrative expense claims, which may arise after the filing of a bankruptcy case.

## **Loan Origination**

Plunkett Cooney's banking attorneys prepare loan documents and handle loan closings for banks and other financial institutions for both routine and complex commercial transactions. Real estate transactions include construction mortgage and land development loans of all types, including condominiums, planned unit developments (PUDs), "dockominiums," time shares and land contracts.

We also represent our clients in loan syndications, leveraged buyouts, acquisitions, letters of credit, tax-exempt and taxable bonds, agricultural loans, and matters involving unusual collateral such as racehorses, antique cars and yachts.

## **Regulatory/Legislative Issues**

Banks and other financial institutions are subject to extensive federal and state regulation regarding consumer credit transactions. These matters may involve usury, lending limits, loans to insiders and deposit insurance. Our attorneys have experience with all facets of regulatory compliance, including drafting documents that allow our clients to comply with all applicable laws.