

Creditor Rights

Seigfreid Bingham attorneys can help you collect what is rightfully yours.

The Seigfreid Bingham Creditor Rights team, led by Rob Maher, helps creditor clients resolve obligations owed to them promptly in and out of state and federal courts. Our attorneys represent lender, landlord, and other creditor clients, addressing disputes promptly to reach agreement, and when necessary, aggressively pursuing client rights and remedies through litigation. The team represents creditors' interests in both complex and routine bankruptcy proceedings.

Our team has been particularly successful in recovering troubled commercial and real estate loans and enforcing clients' rights as creditors of insolvent or bankrupt entities in industries, particularly in those most affected by the U.S. economic downturn. Among our core strengths is recovering real estate-backed commercial loans and navigating the widely disparate state laws in Missouri and Kansas.

We possess a deep understanding of our clients' industries and listen closely to their goals to determine the best course in resolving obligations owed to them, whether through restructuring or enforcement. We address disputes by firmly avoiding emotional arguments that escalate costs, distract from best results, or lead to unfounded counterclaims. These efforts often achieve greater lender/creditor recoveries than selling to purchasers of the problem credits. If the parties cannot resolve matters reasonably, we often initiate litigation and seek prejudgment remedies to protect our clients' recoveries and expedite resolutions. If litigation results in a bankruptcy filing, we have the necessary experience to navigate that process effectively, as well.

Experience

- Representation of lenders and special servicers in bankruptcy proceedings, particularly Chapter 11, through threats of bankruptcy to "first-day motions" to Debtor-in-Possession financing and cash collateral motions to filing competing chapter 11 plans to plan confirmation and execution.
- Appointment of receivers.
- Loan workouts, modifications, and amendments for troubled



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loans.

- Forbearance, Deed-in-Lieu, and Strict Foreclosure agreements.
- Non-judicial enforcement under the Uniform Commercial Code and judicial replevin actions for recovery of personal property collateral.
- Mortgage foreclosures and other actions to foreclose the lender's interest in real property collateral.
- Deed of Trust Trustee appointments and non-judicial foreclosures to recover the lender's interest in real property collateral.
- Post-foreclosure unlawful detainer actions to recover possession of foreclosed real property collateral.
- Collections actions through lawsuits, arbitrations, mediations, or other alternative dispute resolution methods for the enforcement of secured and unsecured positions.
- Obtaining prejudgment remedies.
- Landlord eviction, rent, and possessory litigation.
- Judgment collection through garnishments, attachments, foreclosures, sheriff's sales, and debtor's examinations.
- Foreign judgment registration and enforcement.
- Prosecuting avoidance actions (preference and fraudulent transfer) in bankruptcy courts for chapter 7 trustees, chapter 11 liquidating trustees, debtors, and other plaintiff parties.
- Leading lender clients against borrower actions for lender liability claims, wrongful foreclosure, and other claims against the lender for the borrowers' own financial misfortunes.
- Representation of secured, administrative, priority, and unsecured claimants in all chapters of bankruptcy.
- Representation of unsecured creditors committees in chapter 11 bankruptcies.
- Negotiating and defending vendors, suppliers, businesses, and individuals in avoidance and claw-back actions (preferential transfers and fraudulent conveyances) brought by trustees, liquidating trustees, claims agents, and other plaintiffs.

Estate Planning, Business Succession Planning, Probate, and Trust

Commercial Lending

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