



## BANKRUPTCY CREDITORS' RIGHTS

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# Bankruptcy creditors' rights

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Difficult financial markets, waning resources and reduced spending are giving rise to the rate of bankruptcy filings.

### About Our Practice

Many businesses face financial challenges amid tightening credit markets and the international financial slowdown. Commercial bankruptcies have been on a steady ascent for several years, and the rate of commercial bankruptcy filings is projected to continue rising. This is a critical time when many businesses may perish without the expert guidance and skilled counsel of a trusted advisor.

The attorneys in the Bankruptcy & Creditors' Rights Practice Group at HBS are experienced in helping clients with a wide array of bankruptcy and business insolvency issues. We take an aggressive, expedient and effective approach in dealing with the defense and prosecution of creditors and debtors. The deep knowledge and extensive litigation experience by each attorney in the practice have helped guide numerous clients through almost every type of issue that could arise in bankruptcy reorganization, restructuring, liquidation and workout agreements. Whether your organization is preparing for

bankruptcy or already underway with bankruptcy proceedings, our attorneys can help bring about prompt resolution that meets your organization's unique needs and financial and operational goals.

Our experience with bankruptcy and creditors' rights covers the full range of business issues. We have direct experience in the defense and prosecution of fraudulent transfers and conveyances and suits to recover fraudulent transfers, preference claims, deficiency claims, enforcement of creditor's rights under loan and lease agreements as well as real estate and property foreclosure. Attorneys within the group are experienced in litigating suits to recover assets and support for all phases of reorganization or liquidation, including the sale of assets. We also help owners, landlords and lessors with contract disputes and other contested matters at all levels and courts.

HBS attorneys bring profound business and economics knowledge to this practice group, and our team is intimately familiar with banks and financial institutions involving lender liability, real estate matters, letters of credit and general liability. HBS has extensive experience with the FDIC and former representation of the Resolution Trust Corporation. We have also investigated, reviewed and resolved hundreds of transactions involving banks and savings and loans in North Carolina, South Carolina, and Georgia.

Our lawyers serve clients with expedient and aggressive capabilities to ensure efficient recovery and recuperation so the organization can quickly return to stability and growth.



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## Related Industries

### **Food & Agriculture**

Scientific developments, technological efficiencies, global trade, and government support and regulation have changed food and fiber production in the United States into a sophisticated and complex business. From a farmer's field to a consumer's kitchen table, complicated legal issues now arise for growers, agribusinesses, distributors, brokers, and

### **Retail & Hospitality**

HBS helps hospitality industry clients both maximize their financial return and meet consumer service expectations.

Subject to a host of federal, state, county and municipal laws, regulations and code requirements and facing economic, real estate, employment and

food retailers. Hall Booth Smith (HBS) specializes in providing legal counsel to and litigation and regulatory advocacy for farmers and agribusinesses.

Because most of our Agriculture Law Practice Group attorneys either grew up on a farm, earned degrees in agriculture, or have spent their careers counseling farmers and agribusinesses, our specific and keen understanding of the business practices and needs of farmers and agribusinesses superiorly position us to handle any agricultural matter. With six offices located throughout Georgia and offices in South Carolina, Tennessee and Florida, we couple the expertise and reputation of a large firm with the accessibility of a local firm.

The legal issues farmers and agribusinesses face are often unique to the agriculture sector. For example, HBS handles issues for buyers and sellers under the Perishable Agricultural Commodities Act (PACA), a complex federal statute which establishes a code of fair business practices that protects businesses dealing in fresh and frozen fruits and vegetables. In many cases, the laws relevant to the issues facing agriculturists arise out of the laws and regulations that are applicable to any contract, insurance policy, property right, business organization, or succession plan.

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## Real Estate

customer challenges, restaurants, hotels, leisure resorts, recreational facilities and other hospitality businesses turn to HBS for guidance. Our Hospitality lawyers are experienced advising on all aspects of hospitality businesses, from project conception and regulatory guidance through financing, development, operations and dispute resolution.

Whether addressing a labor and employment, transactional, privacy law, food and beverage, real estate or construction matter or attempting to resolve an issue involving employee benefits and compensation, intellectual property, data protection or potential liability, we advise our clients each step of the way, helping them leverage opportunities and avoid attendant risks. We vigilantly monitor the evolving regulatory and legal framework impacting our clients, to make sure that they are prepared for the future.

Our team of experienced litigators regularly handle claims for our hospitality industry clients in courts of all levels and has successfully defended class actions, multi-district litigation, personal injury claims, construction disputes and a wide variety of other matters. With a former State Senator and active government affairs attorneys, we are also adept at representing hospitality industry clients regarding their legal, regulatory and government affair challenges.

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## Insurance

Hall Booth Smith guides real estate industry clients through the complexities of real property purchases, assessments, sales and leases, land use, zoning, financing and environmental issues, and a host of other concerns. HBS team represents virtually all players in the industry, including owners and occupiers, developers, real estate advisers, lenders, pension funds, insurance companies, governments, and hotel owners and operators. HBS , negotiates commercial and residential transactions of all types and sizes. Our real estate attorneys have advised clients throughout the life cycle of their property ownership from acquisition through development.

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From appraisals, coverage, claims and adjusting issues to drafting and review of insurance policy, regulatory compliance advice and dispute resolution, HBS assists insurance industry clients with resolving the many challenges they face.

In addition to managing risk and defending liability claims, we regularly advise clients on the full range of insurance products, services, and coverages, including general liability, automotive, life, property and casualty, director and officers' liability, professional malpractice, errors & omissions coverage, business interruption and environmental, cyber-risk and other specialty coverages and exclusions.

Our lawyers represent clients in courts of all levels throughout the United States, litigating class actions, multiparty and multi-district cases as well as individual lawsuits involving virtually every type of claim, coverage, fraud and bad faith action. We handle regulatory investigations and enforcement actions and are experienced with all forms of alternative dispute resolution. Active insurance coverage attorneys in the international insurance markets, we also help domestic clients gain access to the overseas market and assist foreign insurers in managing their domestic litigation.

As industry leaders, HBS Insurance Coverage lawyers have been recognized as Super Lawyers and Rising Stars in the field of insurance. Team members regularly write and lecture on insurance and property ISU issues, and are active members in insurance industry groups. As a value-added, we offer clients employee training to help their staff understand the laws and regulatory requirements impacting their industry and strategies to minimize risk exposure.

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