

BANKRUPTCY CREDITORS' RIGHTS

HBS represents clients of all sizes and across numerous industries through bankruptcy, restructuring, and recapitalization efforts. When liquidation or winding down is the chosen course, we work with clients and creditors on successful processes to harvest as much as value as possible.

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Overview

The attorneys in the Bankruptcy & Creditors' Rights practice at HBS are experienced in advising clients on bankruptcy and business insolvency issues that arise both prior to and during the bankruptcy process with a focus on protecting creditors and other interested parties that have been hailed into bankruptcy court in both commercial and consumer bankruptcy proceedings.

Difficult financial markets, waning resources, and reduced spending are giving rise to the rate of bankruptcy filings in the recent months. It is important to take measures to protect your rights and interests during times of economic prosperity to ensure that those rights and interests remain protected in times of economic hardship.

Businesses both large and small are experiencing financial challenges with the uncertainty surrounding our economy. This is a critical time when many businesses may perish, leaving lenders, vendors, and other creditors of the businesses to wade through the bankruptcy process as a final hope of any recovery of what they are rightfully owed.

Leadership



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[Full Team](#)

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Solutions

HBS offers both transactional and litigation experience in providing full-service bankruptcy counsel during the contractual and non-bankruptcy litigation stage as well as during bankruptcy litigation in proceedings filed under Chapters 7, 11, 12, and 13 of the Bankruptcy Code. We have direct experience in contract formation, preparing, and filing necessary documents for securing and perfecting interests as well as obtaining pre-bankruptcy judgments and necessarily perfecting such judgments to ensure that our clients' interests are protected if and when they are hailed into bankruptcy court.

We have experience in the defense and prosecution of fraudulent transfers and conveyances and suits to recover fraudulent transfers and preference claims. Our team has assisted clients in pursuing secured claims, administrative expense claims, unsecured priority claims, general unsecured claims, and deficiency claims in Chapter 7, 11, 12, and 13 bankruptcy proceedings. HBS is equipped to handle all aspects, including litigation in non-bankruptcy and bankruptcy proceedings, to enforce creditor's rights under loan and lease agreements as well as property foreclosure requiring relief from the automatic stay in bankruptcy proceedings.

We also assist and advise owners, landlords, and lessors of real property and personal property with contract disputes and protecting landlord and lessors rights during pre-bankruptcy eviction proceedings. HBS represents owners, landlords, and lessors in lease disputes and enforcing leases in bankruptcy litigation to ensure that our clients interests under the leases are protected throughout Chapter 7 and 11 bankruptcy proceedings. HBS also represents vendors in contract disputes both prior to and after the bankrupt party files for Chapter 7, 11, 12, or 13 bankruptcy relief.

Our attorneys bring profound business and economic 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,

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reviewed, and resolved hundreds of transactions involving banks and savings and loans in North Carolina, South Carolina, and Georgia.