

# Bankruptcy, Creditors Rights, Enforcement & Collection

## ATTORNEYS

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## RELATED PRACTICES

Commercial & Civil  
Litigation  
Commercial Lending  
Zoning & Land Use

Not even the most capable and careful lender or creditor realizes a 100 percent repayment rate. When the quality of a credit deteriorates, it is critical to find knowledgeable legal counsel to assist in evaluating workout options, security interest enforcement rights and bankruptcy risks. Bean, Kinney & Korman has long been recognized in Northern Virginia and the Washington, D.C. metropolitan area for skillful advocacy in every aspect of creditors' rights enforcement.

### Bankruptcy Representation

We are well regarded and active in the bankruptcy arena. Attorneys at our firm have significant experience in all aspects of creditor and non-debtor side representation of all chapters of bankruptcy. Our attorneys regularly appear in all bankruptcy courts of Virginia, Maryland and the District of Columbia, and are active participants in the bankruptcy Inns of Court program. We are known for our perseverance and are prepared to pursue our lender and creditor clients' interests aggressively, whether by obtaining cash collateral protection, relief from stay or favorable reorganization plan terms. We regularly assist secured and unsecured creditors, as well as other interested parties, in bankruptcy matters, including landlords, tenants, asset purchasers and vendors. We zealously defend parties being pursued in avoidance matters for return of alleged fraudulent transfers or preferential payments. We also prepare and defend claims filed against bankruptcy estates. We understand crisis situations such as a pandemic present a particularly difficult time for landlords and tenants. We are highly experienced in addressing our client's commercial lease issues, both outside of bankruptcy and in the context of a bankruptcy case.

On the debtor or borrower side, if your business finds itself under extreme financial pressure, our firm can assist with out-of-court loan

workouts and other debt, contract or lease restructuring efforts. We can advise as to when, and if, you should start to consider bankruptcy as an option to either liquidate assets or restructure debt through either chapter 7 or 11, including the Small Business Reorganization Act.

### **Understanding the Credit**

Before launching into collection litigation, we assess the lender's options and exposure. We want to be certain that opportunities to improve our client's position or to minimize the risk of a lender liability claim are not lost in a rush to the courtroom. Our understanding of how to build the strongest case in court gives us the edge in documenting forbearance agreements and other loan workout structures.

### **Comprehensive View of Lender Needs**

Our firm's extensive representation of lenders in making loans enhances its strength in credit enforcement. We understand that the goal of the lender or other creditor is to maximize the amount recovered on the outstanding debt owed. We work to develop a cost effective action plan to achieve such goal. When a lender needs to move quickly to protect its position, it will not be delayed by any lack of experience on our part in dealing with title issues , lien perfection questions, environmental considerations , zoning matters , corporate authority issues and surety bond claim requirements.

We offer a full range of credit enforcement tools including:

- pre-judgment attachment
- asset seizure
- rent capture
- receivership
- foreclosure
- asset liquidation
- collection litigation
- enforcement of guarantor and surety obligations
- garnishment
- setting aside fraudulent and voluntary conveyances

- execution on judgments

### **Lending Industry Familiarity**

We have enjoyed the confidence of regional and national lenders and asset portfolio managers as a law firm that consistently delivers value to maximize our clients' return in distressed circumstances. We understand the lending and banking industry and never lose sight of the business considerations that are at the heart of credit enforcement strategy. If you have credit enforcement needs that demand responsive, knowledgeable and capable legal support, we are ready to assist.

### **PUBLISHED ARTICLES**

Small Business Reorganization Under the Cares Act and SBRA, and What that Means for Creditors  
*Bankruptcy Law News, Virginia State Bar, June 2, 2020*

Federal assistance may prolong bankruptcy filings  
*Virginia Lawyers Weekly, June 1, 2020*

SBA Paycheck Protection Loans under the CARES Act  
April 4, 2020

4 Tips for Businesses Impacted by the Coronavirus  
March 24, 2020

Husky International Electronics, Inc. v. Ritz: "Actual Fraud" According to the SCOTUS  
*Bankruptcy Law News, May 9, 2016*

To Stay Clear of Stay Violations, Action May be Required  
*BKK Business Law Newsletter, July 2, 2015*

Bankruptcy: Preference Defendants Don't Feel "Preferred"  
*BKK Business Law Newsletter, March 4, 2014*

Bankruptcy and Government Contractors  
*BKK Business Law Newsletter, November 1, 2013*

Wrestling with the Trustee's Strong Arm: Defending Avoidance

Actions Under Section 544 of the Bankruptcy Code  
*Title Insurance Litigation Committee News*, December 18, 2011

Bankruptcy – Not Necessarily an End to Construction Payments  
*BKK Construction & Land Use Newsletter*, September 1, 2011

Virginia Judges Weigh in on Whether Absolute Priority Rule Still  
Applies in Individual Chapter 11 Cases  
*Bankruptcy Law News*, May 18, 2011

Claims for Post-Petition Legal Fees By Unsecured Creditors  
*Bankruptcy Law News Volume XXIV, No. 2*, July 18, 2009

How Bankruptcy Affects Real Estate Titles and Bankruptcy  
Risks Covered by Title Insurance  
*Title Insurance Litigation Committee Spring Meeting*, March 18,  
2001

## NEWS

Bean, Kinney & Korman Named a 2021 “Best Law Firm” for  
Tenth Consecutive Year  
Thursday November 5, 2020

Bean, Kinney & Korman Named a Best Law Firm by U.S. News  
Media Group and Best Lawyers in America  
Thursday November 1, 2012

Jennifer Brust and James Schroll will teach Secured Finance at  
George Mason University School of Law  
Thursday August 12, 2010

## EVENTS

Negotiating and Drafting Secured Real Estate Finance  
Transactions  
Online, Thursday, November 5, 2020

Women Mean Business Committee Presents:  
Online, Tuesday, April 21, 2020

“Complex Issues in Bankruptcy: From the Supreme Court to the  
Practice Court – Tricky Issues in Chapter 11 Cases”



Crowne Plaza Richmond West, Richmond, Virginia, Friday,  
March 30, 2012