

# Insolvency & Bankruptcy

Responsive, cost-effective, and creative representation.

The stakes are often highest in situations involving financial distress. Whether our client is a creditor or a debtor, we understand the challenges in these settings. Our team has a broad and deep understanding of the issues involved, and we have decades of experience solving problems in a wide range of settings. Our lawyers are licensed to practice in Washington, Oregon, Idaho, and Colorado, and we regularly work with our colleagues in the Meritas network on matters in other parts of the United States and around the world.

## Bankruptcy

Our team has substantial experience handling a wide range of bankruptcy matters. We assist secured creditors protect their security interests and maximize their return. We help companies reorganize under Chapter 11. We represent bidders in contested Section 363 asset sales, and we help investors present competing plans of reorganization. We guide lenders through the post-petition financing process, and we represent official committees and trustees. We have handled automatic stay litigation, disputes over executory contracts, dischargeability actions, priority disputes, preference claims, fraudulent transfers, objections to plan confirmation (including cramdown disputes), and valuation issues.

Our team regularly appears in bankruptcy courts in Washington and Oregon, and we have handled appeals at every stage, including the United States Supreme Court. No matter how large or small the bankruptcy issue, our team approaches it with the same effort and thought we devote to all of our work.

## Receiverships

We understand that receiverships may be a better or more cost-effective option in certain situations. On behalf of our clients, we put properties into receivership for a variety of reasons, including foreclosure and dissolution. We help non-petitioning creditors, both secured and unsecured, maximize their recovery. We also represent receivers, and we have established relationships with other well-known receivers. Our team has handled a broad range of issues in receivership, including the validity and priority of security interests, leasing issues, asset valuation and recovery, liquidations, and business restructuring.

Our team regularly appears in federal and state courts in Washington, Oregon, and Idaho. We handle appeals at all levels. We approach our receivership matters with creativity and effort; the goal is always to achieve the best possible outcome for our client.

## Litigation

Bankruptcy and receivership is often the last resort in a long process involving distressed debt. The process often begins in a federal or state court of general jurisdiction, and our team has significant experience with such matters. We assist our mortgage lender and other clients with judicial foreclosure, debt collection, and judgment enforcement. We enforce guarantees, and we prosecute fraudulent transfer actions. We also help our clients with non-judicial real property foreclosures and with enforcement of their Article 9 security interests. We advise our creditor-clients on federal and state debt collection and consumer protection laws, and we defend lender liability claims, whether they arise as a defensive tactic or an independent claim.

Our team has appeared in federal and state courts in Washington and Oregon, and we have handled matters across the country with support from our colleagues in the Meritas network. We develop imaginative solutions to each situation, and we focus on being responsive to our client's needs as the litigation develops.

## Workouts

We frequently help clients resolve insolvency issues outside of the courtroom. When circumstances allow, we provide guidance regarding strategies for our clients to avoid litigation, bankruptcy, or other prolonged debt-collection processes. We work closely with our Lender Services team to develop cost-effective and creative workout solutions wherever possible.

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HCMP's Bankruptcy & Insolvency law practice has also been repeatedly ranked by *Chambers USA*<sup>®</sup> in the category of Bankruptcy/Restructuring, most recently for 2021.

## Articles & Presentations

- "Why Washington State is Good for Entrepreneurs," Seattle Business, August 2016
- "Evaluating Options for Insolvent Companies," Seattle Business, April 2016

## Representative Clients

HCMP provides a number of clients with ongoing representation in connection with insolvency matters. Here is a partial representative list of clients:

- Fannie Mae
- HomeStreet Bank

- KeyBank National Association
- Seattle Bank
- Umpqua Bank
- Washington Federal Savings
- Zions First National Bank