



## Financial Institution Litigation

---

The litigators at Stahl Cowen work with financial institutions to develop and execute effective solutions to a variety of lending and other financial business issues, both contentious and cooperative, including commercial litigation over loan defaults, real estate disputes, Uniform Commercial Code (UCC) rights and obligations, consumer claims, probate and trust issues, breaches of contract, and construction litigation, and other matters.

We have particular strengths helping lenders work out distressed commercial loans, and guiding creditors through sensitive circumstances that demand prompt and swift action, such as bankruptcy proceedings, where we aggressively protect our clients' interests by establishing the validity of, and recovering on, their claims and obtaining stay relief.

We have successfully completed hundreds of mortgage foreclosures, against urban office buildings, commercial shopping centers, industrial properties, apartment buildings, condominiums, single-family residential developments, and even a golf course. In addition, we have acquired property for our clients through UCC dispositions and replevin, addressed bank fraud and breach of contract actions.

Clients appreciate our efforts to maximize returns while minimizing prosecution costs, including through negotiation and non-judicial resolution of delinquent mortgage loans where possible. When collaboration is not possible, we draw on aggressive litigation strategies to recover outstanding debts, frequently obtaining the entire unpaid amounts on behalf of our clients.

Our recent work includes:

- Foreclosed on a 52-lot upscale subdivision in the western suburbs of Chicago involving construction costs of \$412 million that we established (in the trial and appellate courts) were prior to a competing vendee's lien on a partially-constructed home.
- Acquired title to our over 30 properties included in our client's loan portfolio through a bankruptcy sales process, and obtained recovery from a title company for the 2 remaining portfolio properties challenged by the bankruptcy trustee.
- Defeated an attempt by, and obtained a sanctions award against, a borrower and guarantors who frivolously asserted that the lender's claim was dismissed with prejudice in a prior Federal



Court action.

- Successfully completed recovery efforts on separate loss-share portfolios for two failed banks, foreclosing or working out 588 loans with a total loan principal balance in excess of \$300 million.
- Successfully reinstated a foreclosure action by vacating a void dismissal order that was entered when our client was represented by another law firm, and then prevailed on an appeal of the reinstatement.
- Collected amounts due on a note after a property purchaser fraudulently purported to release the mortgage securing the note and then sold the secured property to a third party.

## Attorneys

- Ronald A. Damashek
- Joseph R. Delehanty
- Andrew H. Eres
- Jeremy P. Kreger
- Jeffrey J. Stahl

## Key Contacts

- Andrew H. Eres 312.377.7891