

# FOLKS HESS KASS

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## An Arizona Boutique Law Firm Limiting Its Practice to Representing Banks, Mortgage Servicers and Other Financial Institutions

FOLKS HESS KASS ATTORNEYS offer efficient, coordinated and “high touch” legal services to banks, mortgage servicers and other financial institutions related to defaulted commercial loans in these critical areas:

- loan workout,
- bankruptcy,
- foreclosure,
- collection litigation;
- mortgage deficiency litigation, and creditors’ rights litigation.

**Commercial Bankruptcy and Reorganization.** Folks Hess Kass represents many large financial institutions in commercial bankruptcy and reorganization proceedings. Our attorneys are seasoned bankruptcy practitioners who possess in-depth knowledge of bankruptcy law and have extensive experience representing creditors in proceedings under all chapters of the United States Bankruptcy Code. Among the services that we routinely provide to our clients in bankruptcy proceedings are the negotiation and preparation of cash collateral orders, motions for relief from the automatic stay, and plan confirmation objections. We also routinely defend preference actions and other adversary proceedings and contested matters brought against our clients by bankruptcy trustees and other parties in interest. The depth of our knowledge and experience provides a distinct advantage to our clients, enabling us to quickly develop and implement strategies that are designed to achieve our clients’ goals efficiently and effectively. At the same time, we provide a level of personalized service that is seldom found at larger law firms.

**Loan Restructuring and Workouts.** The firm represents commercial lenders, equipment lessors, and other financial institutions in all phases of the business reorganization process, including loan restructuring and out of court workouts. Our attorneys have considerable knowledge and experience in the negotiation and documentation of debt restructuring and corporate reorganization transactions. Among the loan restructuring services that we routinely provide to our clients are preparation of forbearance

agreements, loan modification agreements, deeds in lieu of foreclosure, and complete documentation of loan sale transactions. Unlike many other law firms, we have a thorough understanding of our clients’ underlying business operations, enabling us to provide legal representation that does not lose sight of our clients’ business goals and objectives.

**Commercial Mortgage Foreclosures.** Folks Hess Kass has significant experience in representing its clients with respect to a broad range of commercial foreclosure matters. More specifically, the firm routinely represents its clients in every county of Arizona to: (i) conduct non-judicial trustee’s foreclosure sales; (ii) litigate judicial foreclosures and quiet title actions; (iii) monitor senior lien foreclosure sales and bid at such sales to protect our clients’ junior lien positions; (iv) deposit and apply for excess foreclosure sale proceeds; and (v) document deeds-in-lieu of foreclosure, loan forbearance agreements and loan modification agreements.

**Creditors’ Rights Litigation.** The firm represents several national and regional banks on an ongoing basis with respect to all aspects of collection and creditors’ rights litigation cases. In particular, the firm has expertise in litigating cases concerning: (i) obtaining the appointment of judicial receivers for distressed real property; (ii) commercial lockouts; (iii) obtaining writs of replevin with and without notice to repossess personal property collateral; (iv) pre-judgment attachment proceedings; (v) collecting upon defaulted promissory notes, guaranties, true leases and finance leases; (vi) judicial foreclosures; (vii) post-foreclosure deficiency actions; (viii) wage and non-wage garnishments; (ix) obtaining writs of execution to enforce money judgments; (x) performing judgment debtor examinations and otherwise assisting clients to enforce money judgments; and (xi) defensive litigation related to lender liability and other claims.

**LARRY O. FOLKS**, a *Super Lawyers*® selectee since 2010, has nearly three decades of experience in protecting the interests of banks and other financial institutions in resolving defaulted commercial loans. He also has a substantial background as a foreclosure trustee and is a

trained neutral in mediation of bankruptcy and other disputes.

A recent past chair of the State Bar of Arizona's Bankruptcy Section, Mr. Folks is a Certified Specialist in Business Bankruptcy (American Board of Certification), and a Certified Specialist in Bankruptcy Law (Arizona Board of Legal Specialization); has served as a judge *pro tempore* of the Maricopa County Superior Court; and is a former partner of a national law firm. He is an active member of the Mortgage Bankers Association, American Legal & Financial Network, Arizona Trustee Association and Arizona Bankers Association. He is a graduate of the Northwestern University School of Law.

**Lisa S. Kass** has over 20 years of experience in representing clients concerning civil litigation matters.

During the past 18 years she has almost exclusively represented banks and credit unions in consumer bankruptcy and commercial bankruptcy cases pending under Chapters 7, 11 and 13, and in collection creditors' rights litigation.

She has extensive experience in litigating commercial collection cases and in collecting on money judgments through both wage and non-wage garnishments, obtaining writs of execution, and conducting judgment debtor examinations and other supplementary proceedings in Arizona.

Folks Hess Kass attorneys are proud to serve America's major banks, mortgage servicers and lending institutions and have a long-term commitment to protecting lender interests. ■

**Larry O. Folks, Esq.**

Folks Hess Kass, PLLC

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