



Hot Topics Teleseminar: Bankruptcy & Collections

About Spotts Fain

Spotts Fain provides business and litigation legal services to banks in Virginia. Services include lender representation at closings, bankruptcy representation, commercial foreclosure, commercial litigation, loan workouts, collections, commercial loan transactions, and representation for employment matters.

WHEN: Tuesday, May 18, 2010

TIME: 10:30 am – 11:45 am (EST)

**SPEAKERS: Robert Chappell, Tim Moore,
Neil McCullagh, & Jennifer West**

Topics

Bankruptcy Law

1. Dischargeability of debts in bankruptcy - recent court decisions
 - a. Does a borrower have a "fiduciary relationship" with bank under floor-plan agreements that protects sale proceeds?
 - b. Whether bank "reasonably relied" on false financial statements submitted by borrower?
 - c. When is a state-court judgment nondischargeable in bankruptcy?
2. Mobile home loans - when bankruptcy code will allow them to be modified or "crammed down" in Chapter 13 bankruptcy.
3. "Cram down" of auto loans under new bankruptcy law - recent court decisions.
4. Reaffirmation Agreements: is one necessary for a Chapter 7 debtor to keep personal property collateral?
5. Judgment liens: may they be "stripped off" of real property through bankruptcy?

Collections Law

1. Which court to sue in?
2. Filing suit and getting service of process.
3. At what point is a lawyer necessary?
4. Judgment Enforcement
 - a. Garnishments of wages, accounts, and other debts owed to debtor.
 - b. Sheriff's levy on personal property / pre-judgment attachment of personal property.
 - c. Debtors interrogatories and the "commissioner's lien."
 - d. Docketing judgment against real estate / creditors' suit to sell real estate.
 - e. Charging order against debtor's interest in partnership or limited liability company.
5. Recent property exemption issues
 - a. May motor vehicles be exempted as tenants-by-the-entireties property?
 - b. Does a powerboat qualify as a "motor vehicle" for exemption purposes?

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