

Receiverships

We are on the cutting edge of receivership law. Our attorneys represent receivers and claimants in all types of receivership proceedings, including:

- Equity
- Lender foreclosure
- Receivers appointed at government request
- Regulatory
- Special district

Substantive Experience. We have substantial experience in receiverships involving:

- Preservation and/or sale of real property, personal property and intangible property, such as accounts receivable and intellectual property, in connection with foreclosure by a secured lender
- Control disputes between owners of businesses
- Operating receiverships of businesses designed to realize highest value for creditors through sale of the business as a going concern
- Ponzi schemes and securities fraud, where the purpose of the receivership is to recover funds for victims' benefit
- Receivers appointed at the request of the government, where the receivership is usually sought to avoid political issues between governmental entities

Diverse Representation. We represent owners, claimants, and receivers in Colorado and throughout the Midwest and West. We have counseled business partners and investors regarding the appointment of a receiver as a possible solution when disputes between the partners or other management stymie business decisions and harm the business. We have advised lenders in connection with the appointment of a receiver for their collateral. We have represented receivers appointed during the pendency of such disputes, and others.

Experienced Resource. We educate lawyers, lenders and business people on receivership and bankruptcy proceedings and the similarities and differences between them.

Specific Cases

- We represented the receiver of a condominium complex suffering substantial design and construction defects. We worked with the receiver to develop a plan for remediation of the defects, resolved claims against the professionals and contractors involved in the design and construction of the complex without significant litigation expense, and assisted the receiver in the sale of all unsold units, resulting in a significantly increased return to the project lender from original projections.
- We represented the receiver of fast food franchises throughout the metro area, assisting the receiver in selling those franchise operations and related real estate, again resulting in a significantly increased return than would have been realized from a complete liquidation of the estate assets.
- We served as lead counsel to the receiver in the Indian® motorcycle trademark cases. In those cases, the receiver took an estate for which it was originally offered \$10,000 in 1995, and closed on a sale in early 1999 for approximately \$20,000,000 in cash, plus other considerations. We blended novel approaches to

the interaction among trademark, securities, bankruptcy, receivership law, and well-established principles of law, to achieve a tremendous result for all parties to the proceeding.

- We represented the receiver for the Colorado Humane Society, who was appointed at the request of the Colorado Attorney General. We are currently representing the receiver for a town water system, where the town management was unsure how to proceed regarding default of its obligations under the bonds used to improve the system.