



## JMBM BANKING & FINANCIAL SERVICES

### **JMBM DISTRESSED DEALER TASK FORCE**

JMBM has drawn on its broad expertise representing motor vehicle manufacturers, secured lenders and real estate investors to create the JMBM Distressed Dealer Task Force. JMBM recognized the need for the Task Force after several partners were asked to represent clients' financial interests that were put at risk by failing vehicle, farm implement and marine dealerships. JMBM does not represent motor vehicle dealers and franchisees; instead, we provide expert guidance for manufacturers who must address the problems created by failing dealerships, secured lenders who must take prompt action to preserve their collateral, and real estate investors who have leased sales and service facilities to dealers.

JMBM is well known as a leader in the representation of motor vehicle manufacturers and distributors. JMBM's Banking and Financial Services practice group understands the steps that need to be taken immediately to collect loans and preserve collateral when a dealer is on the verge of failure, or the lender has real property collateral. The JMBM Financial Services group can guide lenders through receiverships, foreclosure, bankruptcy and liquidation of real property and personal property collateral. JMBM's Real Estate practice group has significant experience in acquiring and leasing dealership facilities, including addressing difficult environmental and zoning issues.

Clients have relied on the lawyers who make up the JMBM Distressed Dealer Task Force to carefully guide them through the following engagements:

#### **Bank Engages Receiver to Liquidate Farm Implement Dealership**

A commercial Bank engaged JMBM to plan and execute a successful strategy to close down and liquidate a failing farm implement dealership. JMBM filed suit and obtained the appointment of a receiver who sorted out competing flooring lines, closed down the dealer's service facility, and sold off the personal property assets, thus minimizing clean-up costs prior to an auction of the valuable real property on which the dealership was located.

#### **JMBM Facilitates Transfer of Auto Dealership in Bankruptcy Without Going Dark**

A major vehicle manufacturer engaged JMBM in a highly adversarial Chapter 11 case filed by a dealer for the purpose of facilitating the transfer of the franchise to a new operator. JMBM skillfully negotiated a transition to the new dealer without any interruption in the dealership operations.

#### **JMBM Represents Secured Lender in Multiple Bankruptcy Filings by Marine Recreational Dealer**

JMBM was called on by a secured lender to appear in eight (8) related Chapter 11 cases filed by a marine recreational dealer and its affiliates, and to protect the interests of the Bank as a secured lender against claims by other lenders.

#### **Manufacturer Engages JMBM to Facilitate Sale of Dealer In Chapter 11 Case and to Collect Sums**

A major manufacturer of motorcycles and recreational vehicles engaged JMBM to assist in the Chapter 11 sale of a dealership to a proven successful operator and to obtain immediate repayment of sums due, including attorney's fees.

### **Please Contact Us**

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