



Don't know the territory?

Use an Arizona law firm that does.

FOLKS & O'CONNOR

PLLC

Bankruptcy • Foreclosure • Eviction • Litigation

www.folksconnor.com



When protecting your Arizona interests calls for experienced, responsive legal counsel, you can count on Folks & O'Connor.

You appreciate responsiveness, integrity, value, efficiency, and commitment to your legal objectives. At Folks & O'Connor, those qualities are the foundation for providing the highest level of legal service and achieving excellent results.

Steadfast, Experienced Commitment to Lenders' Legal Needs. Our clients include many national banks and mortgage companies with substantial interests in Arizona. Folks & O'Connor represents banks, leasing companies, mortgage lenders and other financial institutions in cases related to:

- commercial bankruptcy;
- residential mortgage bankruptcy;
- consumer bankruptcy;
- foreclosure;
- eviction;
- collections;
- creditors' rights litigation; and
- negotiating and documenting loan restructurings and workouts.

We understand your need in such matters to aggressively prosecute claims and to minimize legal fees in maximizing recoveries.

What Sets Us Apart. Among Arizona law firms that represent lenders in sophisticated recovery matters, Folks & O'Connor distinguishes itself by two veteran partners supported by a seasoned staff of associates and paralegals. As a client of our firm, you will enjoy:

- direct personal contact with, and hands-on case management by, your senior attorney;
- your attorneys answering your calls to their direct lines;
- our high degree of efficiency and economy; and
- freedom from the bureaucracy that larger firms assemble around their institutional clients.

Further, in contrast to open-ended, hourly fee-based billing arrangements, Folks & O'Connor charges routine FNMA and other similar flat fees for its residential mortgage, bankruptcy, foreclosure and eviction cases. In addition, the firm's hourly billing rates are highly competitive for the Arizona market.

As an added benefit to its clients, Folks & O'Connor is well versed in electronic billing and reporting through DataCert, Examen, iClear, Lenstar and Vendorscope.

You will value our expertise, efficiency and responsiveness

Residential Mortgage Foreclosure

Folks & O'Connor represents banks and mortgage companies on a high-volume basis concerning foreclosures on residences statewide. Our firm also has significant experience in representing its clients with respect to a broad range of loss mitigation and default servicing matters. More specifically, we routinely represent our clients in every Arizona county to:

- conduct nonjudicial trustee's foreclosure sales;
- litigate judicial foreclosures and quiet title actions;
- monitor senior lien foreclosure sales and bid at such sales to protect our clients' junior lien positions;
- deposit and apply for excess foreclosure sale proceeds;
- document deeds in lieu of foreclosure, loan forbearance agreements, loan modification agreements, and loan sale agreements; and
- litigate post-foreclosure evictions.

Our automation allows us to process a high volume of residential mortgage foreclosures. In particular, we use a sophisticated internal software program, specific to Arizona nonjudicial trustee's foreclosure sales, which allows our staff to process foreclosure sales on a virtually automated basis and with calendaring safeguards in place to protect our clients.

Consumer Bankruptcy

Folks & O'Connor represents several national and regional banks concerning

their claims in Arizona consumer bankruptcy proceedings. Our bankruptcy attorneys offer considerable experience in representing secured and unsecured creditors in Chapter 7, 11 and 13 proceedings. We have particular expertise in:

- nondischargeability actions;
- pursuing motions for relief from the automatic stay; and
- objecting to Chapter 11 and 13 bankruptcy plans related to claims secured by residences and automobiles.

Commercial Bankruptcy and Reorganization

Folks & O'Connor represents large financial institutions in commercial bankruptcy and reorganization proceedings. Our seasoned bankruptcy practitioners offer extensive experience representing creditors in proceedings under all chapters of the U.S. Bankruptcy Code.

In particular, firm co-founder Eugene F. O'Connor II has more than two decades of experience in commercial bankruptcy, loan restructuring, creditors' rights and commercial litigation. In fact, for over nine years Mr. O'Connor was a Senior Vice President and Assistant General Counsel of JPMorgan Chase Bank, N.A. (formerly Bank One, N.A.) and was responsible for managing all of the bank's middle market and large market bankruptcy and loan restructuring cases in Arizona, Colorado and Utah.

Among the services we routinely provide in bankruptcy proceedings are negotiation and preparation of cash collateral orders, motions for relief from the automatic stay, and plan confirmation objections.

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Larry O. Folks

LARRY FOLKS has over two decades of experience in bankruptcy, foreclosure, collection, civil litigation, and loan restructuring and workout matters. His primary area of concentration is in representing banks, financial institutions and other creditors. The three-time *Super Lawyers*® selectee also has significant experience as a foreclosure trustee and is a trained neutral who frequently mediates bankruptcy and other civil disputes.

His professional leadership in Arizona includes serving as Chairman of the Bankruptcy Section of the State Bar of Arizona for 2009-2010.

Prior to co-founding Folks & O'Connor, PLLC, Mr. Folks practiced for several years with the bankruptcy department at Snell & Wilmer, LLP, Arizona's largest law firm, and was a partner in the bankruptcy, foreclosure and creditors' rights department of the national law firm Kutak Rock, LLP.

Mr. Folks has extensive experience in all facets of prosecuting bankruptcy claims in Chapter 7, 11 and 13 proceedings, obtaining the appointment of judicial receivers, pursuing provisional remedies, obtaining money judgments in collection proceedings against borrowers and guarantors, serving as a foreclosure trustee, and litigating judicial foreclosure actions. He also represents commercial debtors-in-possession in Chapter 11.

More specifically, since the early 1990s a significant portion of Mr. Folks' practice has been devoted to representing several of the nation's

largest commercial banks concerning high-dollar commercial and routine consumer cases, including but not limited to:

- pursuing suits on defaulted promissory notes and guaranties;
- obtaining writs of attachment, replevin and garnishment;
- documenting promissory note sales;
- negotiating and documenting loan workouts;
- completing judicial foreclosures;
- completing quiet title actions;
- serving as a foreclosure trustee;
- defending against lending- and foreclosure-related claims by borrowers; and
- conducting Uniform Commercial Code personal property sales.

Mr. Folks has significant experience as a substitute trustee under defaulted deeds of trust, representing several national banks as a foreclosure trustee on a high-volume basis in every county of Arizona. He and his staff have successfully completed thousands of nonjudicial trustee's sales since the late 1990s. They also represent clients in all other aspects of the foreclosure process, including:

- monitoring and bidding at senior lienholder foreclosure sales;
- applying for excess foreclosure sale proceeds;
- pursuing mortgage deficiency claims; and
- prosecuting evictions.

Mr. Folks also has an active civil litigation practice.



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Areas of Practice

Bankruptcy
Foreclosure
Civil Litigation
Creditors' Rights
Collection Litigation
Loan Restructuring/Workouts
Bankruptcy and Civil Mediation

Education

J.D., Northwestern University, 1988
B.S., *summa cum laude*, Arizona State University, 1985

Court Admissions

Superior Court of Arizona
District Court of Arizona
United States Bankruptcy Court of the District of Arizona

Professional Affiliations

Certified Specialist in Business Bankruptcy, American Board of Certification
Certified Specialist in Bankruptcy Law, State Bar of Arizona
Super Lawyers®, 2007, 2010, 2011
American Legal & Financial Network
American Bankruptcy Institute
Mortgage Bankers Association
Court Appointed Panel Mediator, U.S. Bankruptcy Court of the District of Arizona
Judge *Pro Tempore*, Superior Court of Arizona
State Bar of Arizona: Chairman, Bankruptcy Section, 2009-2010
Arizona Trustee Association
Arizona Bankers Association

