



Financial Institution Law

The unpredictability of today's financial markets makes it more important than ever for banks and businesses to have trusted legal counsel.

The banking and finance attorneys at Foster Swift have substantial experience in representing their clients in the following services:

- Banking or financial holding companies and banks in de novo bank and merger and acquisition applications; FDIC, Fed, OCC, NCUA, OFIR, and SEC applications, filings and disputes; and regulatory compliance issues
- Dodd-Frank regulations and compliance issues
- Lenders and borrowers in complex loan transactions, including commercial real estate, asset-based lending, and consumer loans
- Financial institutions in lender liability, environmental, and other complex litigation
- Retail operations, best practices and issues
- Lenders in loan workouts, bankruptcy, collection and foreclosure matters
- Lenders and bankruptcy trustees in asset recovery, preferences, and lien avoidance actions
- Business entities and investors raising or lending capital in the private financial markets, including private offerings and angel investing
- Tax increment financing
- Corporate governance, best practices, and securities issues
- Counsel and guidance to financial institutions on regulatory compliance
- Bank mergers and acquisitions
- TARP, TALF applications and issues

RECENT ASSIGNMENTS

- Establishing an Economic Recovery Task Force to advise and assist clients with all aspects of the economic downturn, including the opportunities it provides

ATTORNEYS

Shareholder

Scott A. Chernich
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RELATED PRACTICES

Bankruptcy & Restructuring

Collections / Creditor - Debtor Rights

Corporate Finance, Governance & Securities

Finance, Real Estate & Bankruptcy Law

Financial Institution Regulation & Compliance

Foreclosure

Real Estate Development

Real Estate Law

Securities Law

- Principal counsel for and organizing a *de novo* financial holding company and bank, including preparation of a private placement memorandum for the raising of capital
- Assisted with ACH issues and agreements
- Simultaneous merger of two banks into a third to form a billion dollar financial holding company
- Fed and SEC applications and notices for acquiring, organizing and reorganizing bank and non-bank subsidiary activities
- Applications for TARP funding

Our attorneys are well-versed in changing laws and regulations. We develop the best plans that let clients address their problems or meet their goals. Regardless of the issue or its complexity, banks and corporations, for-profit and non-profit alike, have sought the skills and experience of Foster Swift.

AFFORDABILITY AND CONNECTIONS

Clients appreciate the value and results-oriented attitude we offer. By working closely with clients, we are able to customize fee arrangements that help meet their budget parameters. This allows us to provide the highest level of legal service at the lowest reasonable cost.

Our clients also rely on the professional working relationships our attorneys have developed with many key government and executive branch decision-makers, including state and federal financial institution regulators.

In short, Foster Swift provides comprehensive legal services to clients in banking and finance. Both institutional and individual clients benefit from the firm's deep experience, knowledge of the law and reputation for outstanding attention to service.

PUBLICATIONS & ALERTS

Michigan Supreme Court Says Excessive Interest is Still Illegal, No Matter What it is Called, *Foster Swift Finance, Real Estate & Bankruptcy News*, February 6, 2024

Implications of the Forthcoming Corporate Transparency Act, *Foster Swift Business & Tax Law News*, May 10, 2022

How to Avoid Bankruptcy and Build a Strong, Successful Business, *Foster Swift Finance Real Estate & Bankruptcy News*, March 1, 2018

Governor Signs Bill Adopting the Uniform Commercial Real Estate Receivership Act, *Foster Swift Finance, Real Estate & Bankruptcy Law News E-blast*, February 7, 2018

Receivers and New Michigan Court Rule, *Finance, Real Estate & Bankruptcy News*, May 30, 2014

New Changes to Michigan Foreclosure Law, *Foster Swift Banking, Finance & Real Estate E-News*, August 12, 2013

Michigan CD Stimulus Program Guidelines, *Foster Swift Economic Recovery Task Force E-News*, December 11, 2008



Complying With Michigan Campaign Finance Act, *Foster Swift Municipal Law News*, February 2008

NEWS

What Is The Corporate Transparency Act?, *Michigan Business Network*, July 29, 2022

Foster Swift Attorney Randall Harbour named to position in the American Bar Association, August 20, 2013

EVENTS

Chapter 5 & 12 Farm Bankruptcy Reorganization Statutes, *MICPA CPE Mega Conference*, October 22, 2020

Bankruptcy 101, *NALS of Lansing*, June 10, 2015

Nuts and Bolts of Bankruptcy Practice, *Federal Bar Association*, April 30, 2015

WEBINAR | The Borrower in Bankruptcy: Top 10 Mistakes Banks & Lenders Make in Consumer Bankruptcy Cases, *Foster Swift*, April 28, 2015

Consumer Protection Examination and Enforcement by the Federal Banking Agencies, *ABA Banking Law Committee Annual Meetings*, August 2011

Bankruptcy, A Creditors Perspective, March 9, 2009
