

Creditor's Rights & Remedies

McDowell Rice helps people and businesses obtain payment for their goods and services and repayment of money loaned. We use experienced attorneys, trained non-lawyer staff, and technology to provide cost effective, efficient, and results-oriented representation. The lawyers in this group frequently file lawsuits, conduct litigation, and proceed through trial and post-trial execution efforts in state and federal courts throughout Kansas and Western Missouri. Where necessary, our experience includes work in appellate courts. We handle cases seeking collection of money, loan enforcement, emergency appointments of receivers, recovery of specific property (replevin), pre-judgment attachments, commercial foreclosure, post-foreclosure deficiencies, commercial rent/eviction, Mechanics' Liens, and related matters. We pursue enforcement of security interests in Bankruptcy courts through Objections to discharge in general, Objections to dischargeability of specific debts, Motions to Lift Stay, Objections to plans under Chapters 11, 12 or 13, avoidance actions, adversary proceedings, contested matters and related services. Our attorneys also guide clients through complex out of court workouts and restructurings.

With the increase of consumer litigation in recent years, we represent collection agencies and lawyers in defense of alleged consumer protection violations. These cases commonly arise under the Fair Debt Collection Practices Act (FDCPA), the Fair Credit Reporting Act/Fair and Accurate Credit Transactions Act (FCRA/FACTA), the Telephone Consumer Protection Act (TCPA), Kansas Consumer Protection Act (KCPA), and Missouri Merchandising Practices Act (MMPA). Our experienced lawyers defend the right of lawyers and debt collectors to enforce and seek payment for their clients.

We also consult with clients regarding processes to improve internal collection efforts by reviewing letters, procedures, and forms. We draft credit applications and agreements, personal guaranties, and related documentation to support our clients' rights.

Our clients include lawyers, collection agencies, banks, special servicers, financial institutions, automotive lenders, large and small. Working with our other practice groups, we seek to collect judgments for our clients because getting the judgment fulfills only part of the battle. To finish the task, we want to efficiently collect the judgment also.

Chairs

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Members of Practice Group

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