

Publications

Real Estate Chapter 11 Filings: Key Issues

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Inside the Minds: Creditors' Rights in Chapter 11 Cases (2013 edition; Aspatore Law Books, Thompson Reuters)

Jeffrey A. Marks, a partner in the Vorys Cincinnati office, authored a chapter for *Inside the Minds: Creditors' Rights in Chapter 11 Cases* (2013 edition; Aspatore Law Books, Thompson Reuters). Marks' chapter was titled "Real Estate Chapter 11 Filings: Key Issues." It outlined why, even with a distressed commercial real estate market, there has not been an explosion of Chapter 11 real estate cases. In the chapter, Marks also outlines the obstacles that single asset real estate (SARE) debtors must overcome to move a case forward, provides strategies for creditors in continuing care retirement community (CCRC) cases and discusses intercreditor issues.

The chapter states:

"The issues discussed regarding SARE and CCRC cases, and intercreditor issues, present challenges to the Chapter 11 creditor practitioner because the issues are multi-faceted and the law remains unsettled in several key respects. At the same time, that uncertainty, as well as the different factual settings of, and dynamics within, the cases provide lender counsel with the opportunity to shape a favorable outcome for his or her client. The potential for achieving a positive result can be maximized by understanding the intricacies of the legal issues and the leading case law, proactively anticipating developments in the case, and exploiting the factual weaknesses in other parties' positions. In this way, the secured creditor's counsel can effectively negotiate or, if necessary, litigate to a successful conclusion of the case."

To obtain a copy of *Inside the Minds: Creditors' Rights in Chapter 11 Cases* (2013 edition), visit the Thompson Reuters [website](#).