

Jason M. Ayres

Principal

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Financial institutions and diverse businesses consistently count on Jason to negotiate complex commercial transactions and to obtain optimal resolutions in insolvency, bankruptcy and litigation matters.

Jason's practice focuses on commercial transactions, workouts, bankruptcy and insolvency proceedings, and commercial litigation. He regularly assists lenders and borrowers in drafting and negotiating sophisticated loan documentation. Jason's experience additionally includes helping financial institutions, small businesses and farms in commercial insolvencies, bankruptcy proceedings and business disputes. He frequently advises clients in complex Chapter 11 and Chapter 12 bankruptcy proceedings as well as receiverships and workouts and is a regular speaker on these topics.

Jason has significant experience in matters involving agricultural lending, healthcare lending and equipment leasing and financing. He is an effective negotiator and facilitator, and dedicated to providing practical solutions to his clients facing complex commercial and agricultural issues.

Education

J.D., Lewis & Clark Law School, 2000

B.A., University of Virginia, Economics, 1996

Services

Litigation
Alternative Dispute Resolution
Business & Corporate Finance
Commercial & Real Estate Finance
Creditors' Rights & Bankruptcy
Financial Services
Real Estate
Real Estate, Land Use & Environmental

Admissions

Oregon, 2000
Idaho, 2022
Washington, 2007
U.S. District Court, District of Idaho
U.S. District Court, District of Oregon
U.S. District Court, Eastern District of Washington
U.S. District Court, Western District of Washington
U.S. Bankruptcy Court, District of Idaho

London School of Economics, London, England, 1995

Clerkships

The Hon. Stephen L. Gallagher, Multnomah County Circuit Court, 2001

Honors & Recognition

- *Best Lawyers in America*[®] - Bankruptcy and Creditor Debtor Rights, 2021-present

Professional Activities

American Bankruptcy Institute, Member

Oregon Bankers Association, Member

Oregon State Bar, Member

- Agricultural Section
- Debtor Creditor Section

Risk Management Association, Member

- General Counsel and Board Member, 2020-present

Turnaround Management Association, Member

Washington State Bar Association, Member

- Debtor Creditor Section

Experience

Confirmation of lender's competing plan over winery/vineyard debtor

Assisted lender in obtaining appointment of a receiver in a state court proceeding regarding vineyard/winery borrowers that subsequently filed companion Chapter 11 cases. Successfully objected to debtor's attempt to convert to a Subchapter V proceeding. Secured confirmation of lender's competing plan of liquidation over debtors' reorganization plan in an eight-day trial in the Eastern District of Washington.

U.S. Bankruptcy Court,
District of Oregon

U.S. Bankruptcy Court,
Eastern District of
Washington

U.S. Bankruptcy Court,
Western District of
Washington

U.S. Court of Appeals for
the 9th Circuit

Confirmation of lender's competing plan over farm debtor

Represented lender to successfully obtain confirmation of its competing plan over a farm debtor, which initially filed a highly contested Chapter 11 bankruptcy and later unsuccessfully attempted to convert to a Chapter 12 bankruptcy. The confirmation concluded a nearly three-year dispute that commenced in state court litigation originally involving three co-borrowers in Washington state.

Secured payment in full of significant construction loans in Chapter 11 reorganization

Represented national lender in Chapter 11 reorganization of regional construction developer to ensure payment in full of loans secured by residential developments.

Obtained favorable resolution for financial institution in litigation and workout proceedings involving farm

Represented financial institution in complex litigation and workout proceedings involving large regional potato and onion farmer for a favorable resolution and agreed payoff to lender.

Assisted lender in the recovery of cattle and proceeds across several states

Assisted lender in the appointment of receiver over cattle operation to recover cattle and proceeds from multiple states and to pursue fraudulent conveyances associated with missing cattle.

Attained possession of equipment subject to asserted CERCLA lien and negotiated its subsequent sale

Assisted equipment finance company in converted Chapter 11 bankruptcy to obtain possession of equipment financed for fertilizer manufacturer which was subject to CERCLA claims by the EPA and an asserted surcharge by the Chapter 7 trustee. Client obtained equipment free of liens and claims and subsequently negotiated sale to an international buyer on behalf of client.

Negotiated release of \$17 million guaranteed debt in Chapter 11 wind down

Represented an equipment lease and finance company in a Chapter 11 bankruptcy to wind down the company while negotiating a release of guaranteed debt of over \$17 million.

Appointment of receivers in numerous commercial real estate and business liquidations

Regularly assists lenders in the appointment of receivers to liquidate commercial properties and businesses, including entertainment venues, apartments, coastal hotels and boat manufacturing business.

News

45 Foster Garvey Attorneys Recognized Among *The Best Lawyers In America*®
Foster Garvey Newsroom, 8.18.22

38 Attorneys Named 2022 Best Lawyers in America; 11 Named Best Lawyers: Ones to Watch
Foster Garvey Newsroom, 8.19.21

43 Attorneys Named 2021 *Best Lawyers in America*; 10 Named Best Lawyers: Ones to Watch
Foster Garvey Newsroom, 8.20.20

Jason Ayres Named General Counsel of RMA Portland Metro Chapter; Elected to Board
Foster Garvey Newsroom, 2.18.20

Speaking Engagements

"Credit Risk & Commercial Real Estate," RMA Portland Metro Chapter's February Membership Luncheon

Panel Discussion

The Benson, Portland, 2.20.24

"Creditor Perspectives on Current Bankruptcy Issues," 33rd Annual Bankruptcy Seminar & Retreat

Speaking Engagement

Spokane, WA, 6.9.23

"Life After Confirmation—It Ain't Over Yet," 36th Annual NW Bankruptcy Institute

Speaking Engagement

Portland, OR, 4.14.23

"The Coming Storm of Problem Loans," RMA Portland Metro Panel

Panel Discussion

Virtual Event, 10.27.20

"Current Agricultural Insolvency Issues in the Northwest," Oregon Bankers Association

Agriculture Roundtable

Speaking Engagement

Virtual Event, 8.12.20

"Banking Horror Stories," Risk Management Association (RMA) - Portland Metro Chapter

Speaking Engagement

Portland, OR, 10.23.19

Legal Alerts

Supreme Court Clarifies That Section 362(a)(3) Does Not Prohibit the Mere Retention of a Debtor's Property

1.28.21

Chuck E. Cheese and Pier 1 Rulings Highlight Risks and Considerations for Commercial Property Landlords and Tenants in Bankruptcy Proceedings
1.15.21

Ninth Circuit Opens the Door to Limited Nonconsensual Third Party Releases in Chapter 11 Plans
8.18.20

(Not-So) Small Business Reorganization Act: CARES Act Expands SBRA Eligibility
4.6.20