



Jack Atnip III Attorney

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Minneapolis

Jack is an experienced litigator and creditors' rights attorney who practices in the areas of Commercial Litigation, Financial Services, Collections/Creditors' Rights, and Bankruptcy. Jack has been litigating cases in state and federal court, enforcing judgments, collecting debt obligations, and advising lenders, businesses and individuals since 1999. Jack is licensed in Minnesota and California, and he has also handled legal matters in North Dakota, South Dakota, Wisconsin, Illinois, Texas, New York, and several other states, as well as having represented clients in Canada, Europe and Asia.

Jack has been involved in numerous mediations, arbitrations and trials, and he has successfully handled several appeals to the Minnesota Court of Appeals and Supreme Court. Jack is also highly experienced and proficient in collections and judgment enforcement, including within bankruptcy court proceedings. Moreover, Jack has drafted all manner of financing documents for banks and other financial services companies and has advised on hundreds of financial transactions.

Following are some examples of the types of matters Jack regularly handles:

- **Commercial/Business Litigation**

- Business contract disputes, Uniform Commercial Code disputes
- Consumer protection claims defense, including Fair Debt Collection Practices Act (FDCPA), Fair Credit Reporting Act (FCRA), and Telephone Consumer Protection Act (TCPA)
- Consumer law claims defense, including unfair and deceptive trade practices, product liability claims, premises liability claims, regulatory claims
- Shareholder rights disputes, shareholder oppression and abuse actions, court-ordered buyouts
- **Banking and Financial Services Companies** (*Commercial and Agricultural*)
- Traditional, asset-based and other alternative lender representation

- Problem loan workout and loan restructuring
- Loan defaults and collateral recovery – replevins, prejudgment attachments, foreclosures, court-appointed receiverships, defaulted personal guaranties, agricultural collateral issues
- Farmer-Lender Mediation, farmland right of first refusal proceedings
- Lender Liability claims defense
- Commercial and agricultural loan document preparation and review, finance transaction support
- **Collections, Creditors' Rights, and Bankruptcy**
- Commercial receivables collections
- Consumer debt collections
- Asserting creditors' claims in probate estates nationwide
- Any and all things related to judgment enforcements, such as asset seizures, executions on judgment liens and sheriff's levies, bank account and wage garnishments, charging orders, collection against corporations and LLCs, intellectual property seizures, unwinding sophisticated and complex asset transfers, offshore clawbacks, fraudulent transfers, successor entity liability
- Temporary restraining orders, injunctions and other emergency proceedings
- Representing creditors' interests in Bankruptcy proceedings (Chpts. 7, 11, 12 and 13), including preparing creditor's claims, lift-stay proceedings, adversary proceedings, objections to discharge

Good litigators have to be formidable courtroom opponents, but they also have to be creative problem solvers. This also holds true for collecting debt and assets. Litigation is often costly and time-consuming and best to be avoided whenever possible. If a dispute arises, Jack will do everything possible to efficiently achieve a positive resolution and avoid protracted litigation. As an experienced and skilled negotiator, he often has achieved this result. But if court is unavoidable, Jack's exceptional litigation skills, creativity, strategic and decisive planning, and sheer tenacity and determination have enabled him to achieve a high rate of success in court, both at the trial level and appellate level, in some of the most complex and challenging matters as well as the more straightforward cases.

Articles & Presentations

- "Fraudster Debtors Who Think Their Home Is Their Castle Might Want To Think Again" DeWitt North Star Update, June 2019
- "To Love And To Cherish, Till Debt Do Us Part – Sacrificing Marriage To Defraud Bank" DeWitt North Star Update, April 2019
- "What is a Single Purpose Entity and Why is it Important in Commercial Real Estate Financing Transactions?" DeWitt North Star Update, February 2019

Expertise

- Banking
- Commercial Collections
- Finance
- Agricultural
- Commercial
- Litigation
- Business

Education

- J.D., Loyola Law School
- B.A., University of California – San Diego

Admissions

- Minnesota
- California