



# **Mediation Process of Alternative Dispute Resolution(ADR) in Banks - A Complete Legal Approach Workshop**

## **Course Outline**

- 1. Dispute resolution Approach in Banks**
- 2. Methods of Alternative Dispute Resolution(ADR)**
- 3. What is ADR & When ADR is useful**
- 4. ADR Process Documentation**
- 5. Complete set of Bank Documents**
- 6. Defaulted Loans Dispute Resolution**
- 7. Documenting Default Dispute Resolution**
- 8. Legally Acceptable Standards of Documentation**
- 9. ASSUMPTION OF LIABILITIES**
  - Liabilities Assumed by Assuming Bank
  - Interest on Deposit Liabilities
  - Unclaimed Deposits
  - Employee Plans
- 10. PURCHASE OF ASSETS**
  - Assets Purchased by Assuming Bank
  - Asset Purchase Price
  - Manner of Conveyance; Limited Warranty; Nonrecourse; Etc
  - Puts of Assets to the Receiver
  - Assets Not Purchased by Assuming Bank
  - Assets Essential to Receiver
- 11. ASSUMPTION OF CERTAIN DUTIES AND OBLIGATIONS**
  - Continuation of Banking Business
  - Agreement with Respect to Credit Card Business
  - Agreement with Respect to Safe Deposit Business
  - Agreement with Respect to Safekeeping Business
  - Agreement with Respect to Trust Business
  - Agreement with Respect to Bank Premises
  - Agreement with Respect to Leased Data Processing Equipment
  - Agreement with Respect to Certain Existing Agreements
  - Informational Tax Reporting
  - Insurance





- Office Space for Receiver and Corporation
- Agreement with Respect to Continuation of Group Health Plan Coverage for Former Employees
- Agreement with Respect to Interim Asset Servicing

## **12. DUTIES WITH RESPECT TO DEPOSITORS OF THE FAILED BANK**

- Payment of Checks, Drafts and Orders
- Certain Agreements Related to Deposits
- Notice to Depositors

## **13. RECORDS**

- Transfer of Records
- Delivery of Assigned Records
- Preservation of Records
- Access to Records; Copies

## **14. FIRST LOSS TRANCHE**

## **15. ADJUSTMENTS**

- Pro Forma Statement
- Correction of Errors and Omissions; Other Liabilities Payments
- Interest
- Subsequent Adjustments

## **16. CONTINUING COOPERATION**

- General Matters
- Additional Title Documents
- Claims and Suits
- Payment of Deposits
- Withheld Payments
- Proceedings with Respect to Certain Assets and Liabilities
- Information

## **17. CONDITION PRECEDENT**

## **18. REPRESENTATIONS AND WARRANTIES OF THE ASSUMING BANK**

## **19. INDEMNIFICATION**

- Indemnification of Indemnitees
- Conditions Precedent to Indemnification
- No Additional Warranty
- Indemnification of Corporation and Receiver
- Obligations Supplemental
- Criminal Claims
- Limited Guaranty of the Corporation
- Subrogation

## **20. MISCELLANEOUS**

- Entire Agreement



**REGISTRATION**

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- Headings
- Counterparts
- Governing Law
- Successors
- Modification; Assignment
- Notice
- Manner of Payment
- Costs, Fees and Expenses
- Waiver
- Severability
- Term of Agreement
- Survival of Covenants, Etc

## **21. Group Discussion**

- Certain Liabilities Assumed
- Excluded Deposit Liability Accounts
- Certain Assets Purchased
- Purchase Price of Assets or Assets
- Excluded Private Label Assets-Backed Securities
- Single Family Loss Share Loans
- Non-Single Family Loss Share Loans
- Calculation of Deposit Premium

## **22. Case Study**

- Final Notice Letter
- Affidavit of Mailing
- Interim Asset Servicing Arrangement
- Single Family Loss Share Agreement
- Commercial Loss Share Agreement



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