SpencerFane®

Matthew Cox

Partner

Contact

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Overview

Matthew Cox represents financial institutions and other lenders in efforts to protect their collateral and loan rights in federal and state courts, including bankruptcy courts. Matt focuses on defending these lenders and other clients against avoidance, preference, and fraudulent transfer claims made by trustees and receivers. He also assists creditors in obtaining relief from the bankruptcy automatic stay and in prosecuting objections to confirmation.

Matt defends clients against claims from borrowers or customers related to the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, and the Utah Consumer Sales Practice Act as well as against claims asserted in bankruptcy court for the return of funds received by creditors. In these matters, he has represented law firms, hospitals, businesses, and collection agencies. Matt works closely with banks and lenders to help create robust loan and loan modification documents for compliance with federal and state guidelines to forestall litigation. He also works closely with real estate professionals and related parties in negotiating purchase contracts, leases, options, and litigation.

For nearly a decade, Matt devoted much of his time to defending dozens of trustee preference, fraudulent transfer, and other avoidance actions, with total damages in excess of $45 million, revolving around the C.W. Mining Bankruptcy case. He currently represents well-known national auto lenders in numerous consumer bankruptcy cases each month.

Matt also maintains a significant practice assisting the owners of commercial properties in unlawful detainer or eviction proceedings against defaulting tenants.

Education

- University of Utah College of Law, 2003 (J.D.)
- University of Utah, 2000 (B.S.)

Bar Admissions

- Utah

- Wyoming

Court Admissions

- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Utah

Community Involvement

- Ronald McDonald House Charities, Board of Directors, Former Board Chair and Legal Counsel
  - Board Volunteer of the Year, 2014

Distinctions

- *Mountain States Super Lawyers*, Bankruptcy: Business
- *Best Lawyers in America*
  - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2024-2027
  - Litigation – Bankruptcy, 2026-2027
- *Utah Business Magazine*, Utah Legal Elite, Bankruptcy & Debt

Memberships

- American Bankruptcy Institute
- Utah Bankruptcy Lawyers Forum
- National Association of Chapter 13 Trustees
- Utah Bar Association
- Defense Research Institute
- American Bar Association
- Federal Bar Association
- Wyoming Bar, Bankruptcy and Creditors' Rights Counsel

Presentations and Publications

- "What You Can Do to Recover a Debt When Your Customer Files Bankruptcy; The New Value Exception to the Preference Statute," June 2020

Related Experience

- Successfully defended a lender and recipient of property from bankrupt mining company in claims asserted by trustee for actual and constructive fraud and preferential transfer.
- Provided counsel for a commercial landlord in connection with negotiation, enforcement, and dispute resolution between landlord and tenants, including enforcement through eviction matters.
- Served as local counsel for numerous large and small financial institutions and lenders in protection of their collateral and loan rights in federal and state courts, including bankruptcy.

- Effectively managed a portfolio of approximately 30 new files a month, monitoring enforcement and maintenance of those accounts pending payments by the borrowers.
- Provided counsel for a large national bank in connection with the preparation and review of loan modifications documents and compliance with federal and state guidelines.
- Managed a litigation team handling dozens of cases, with total damages sought in excess of $40 million.