

## Heather H. Lindley

### Senior Counsel

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**HEATHER ASSISTS CLIENTS IN OVERCOMING FINANCIAL HURDLES. WHETHER REPRESENTING A DISTRESSED BUSINESS IN A FINANCIAL REORGANIZATION OR HELPING A CREDITOR TO SECURE THEIR RIGHTS, SHE IS ADEPT AT GUIDING CLIENTS THROUGH TECHNICAL INTRICACIES WHILE ALWAYS BEING MINDFUL OF THE ADDED STRESS THAT A FINANCIAL CHALLENGE CAN BRING TO A BUSINESS OR INDIVIDUAL.**

Heather's practice focuses on business-related litigation, with a concentration on valuation issues. She has handled jury and bench trials in forums throughout Texas, including state, federal and bankruptcy courts.

Experienced with both Chapter 7 (liquidation) and Chapter 11 (reorganization) cases, Heather also has helped clients with numerous out-of-court workouts and restructurings. She represents secured and unsecured creditors and debtor-in-possession (DIP) lenders to enforce their rights and obligations in the context of bankruptcy litigation, including Section 363 asset sales, the prosecution and defense of preferential and fraudulent transfer actions, objections to discharge and dischargeability of debt, challenges to claims, involuntary bankruptcy petitions, executory contract issues, requests for relief from the automatic stay, and declaratory judgment proceedings.

Committed to helping taxpayers achieve their goals for substantial ad valorem tax savings and refunds, Heather frequently represents property owners in property tax assessment litigation to minimize their tax liability. She has experience with all types of commercial and industrial properties, including broadcast properties, national headquarters, data centers, office buildings, shopping centers, apartment complexes, raw land, industrial facilities and oil rigs, with values that range up to \$250 million.

## Representative Experience

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### Bankruptcy Experience

- Member of a team of lawyers that handled a significant adversary proceeding against a real estate investment company before the United States Bankruptcy Court. After a four-day adversary proceeding, the Court issued a 52-page opinion finding that the individual behind the company was

personally liable for fraud as an alter ego of the company and determining that the nearly seven-figure debt involved was nondischargeable under the Bankruptcy Code.

- Defended a client in a lawsuit wherein the plaintiff alleged that the client received nearly one million dollars that was subject to avoidance as a preference or fraudulent transfer. Within 30 days of the action being filed, negotiated a settlement and dismissal of the action.
- Member of a team of lawyers who represented a secured lender in a Chapter 11 bankruptcy proceeding, including litigating and negotiating debtor-in-possession financing and cash collateral use.

### **Tax Experience**

- Negotiated a settlement with a local appraisal district resulting in a tax refund of approximately \$1.7 million and a tax savings of nearly \$500,000 to the client.
- Negotiated a multimillion-dollar property tax reduction related to an oil rig in South Texas.
- Experience handling property tax protests as they relate to whether ad valorem taxes may be imposed on property traveling in interstate commerce.
- Represented a national insurance company in real property valuation appeals on significant assets in the Dallas-Fort Worth area.

## **Noteworthy**

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- Selected by attorney peers for inclusion in *The Best Lawyers in America*®, 2020–2025
- Featured in *Best Lawyers*® *Texas' Best Lawyers*, 2020
- Named one of the "Best Lawyers in Dallas" by *D Magazine*, 2017–2018
- Selected by attorney peers as a Texas Rising Star®, *Texas Monthly*, 2012–2017
- Selected by attorney peers for inclusion in *Texas Super Lawyers Rising Stars*®, Thomson Reuters, 2017
- Named one of the "Best Women Lawyers in Dallas" by *D Magazine*, 2010

## **Activities and Memberships**

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- International Women's Insolvency & Restructuring Confederation
  - Member

- Women's Finance Exchange
  - Member
- American Bankruptcy Institute
  - Member
- DFW Association of Young Bankruptcy Lawyers
  - Member
- Dallas Bar Association
  - Bankruptcy & Commercial Law Section, Member
- Institute for Professionals in Taxation
  - Member
- Texas Association of Assessing Officers
  - Member

## Publications

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- "Keep What Is Yours: Attack the Preference with the Unverified Lien," National Association of Credit Managers; 2011.
- "Credit Counseling Does Not Apply to Involuntary Petitions," 73 Bankruptcy Court Decisions 3; December 2006.

## Presentations

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- "Bankruptcy in Construction," National Association of Credit Managers Southwest, presentation and written materials; 2012.
- "Keep What Is Yours: Attack the Preference with the Unfiled Lien," National Association of Credit Managers; 2011.
- "Interesting Tid-Bits Regarding Bankruptcy Issues," The Cadle Company, presentation and written materials; 2009.

- "The Risks and Rewards of Purchasing Assets Through A Bankruptcy Estate," Bell Nunnally presentation; 2009.
- "Common Mistakes Credit Managers and Collectors Make Regarding Bankruptcy," Credit Advanced Placement Class - National Association of Credit Manager Southwest; 2009.
- "General Overview of Chapter 11 and Impact of BAPCPA," Lorman Education Services, presentation and written materials; 2009.
- "Creditors Remedies in Chapter 7 and 13: How to Maximize Your Recovery," Lorman Education Services, presentation and written materials; 2009.
- "Judgment Enforcement in Texas," Lorman Education Services, presentation and written materials; 2008.
- "Pre and Post Judgment Interest," Bell Nunnally presentation; 2008.
- "Consumer Debt Collection," National Business Institute, presentation and written materials; 2008.

## Credentials

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### Education

- JD, Texas Tech University School of Law, *cum laude*, 2004
- BBA, Texas State University, *cum laude*, 2000

### Admissions

- Texas
- United States Court of Appeals for the Fifth Judicial Circuit
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas