



BELLNUNNALLY

CREDITORS' RIGHTS

Our goal is simple: to turn a debt into cash. Indeed, we count legal victories, not in terms of paper judgments, but in terms of dollars in your pocket.

Bell Nunnally's Creditors' Rights attorneys bring an aggressive and measured approach to obtain payment from debtors. Our collective knowledge and experience in this area is formidable. We have broad experience representing a range of creditors, including institutional lenders, investment companies, construction companies and suppliers, commercial landlords, manufacturers, technology companies and business service providers.

For out-of-state creditors, we frequently domesticate foreign judgments into Texas for enforcement purposes. In addition, we have significant experience defending creditors from counterclaims, such as the Fair Debt Collection Practices Act (FDCPA), wrongful foreclosure and usury.

Designing Effective Strategies

We vigorously prosecute claims for our creditor clients based on defaulted loans, promissory notes, leases, guarantees and unpaid accounts. From the outset, we work with clients to identify strategies to put pressure on the debtor, always with an eye on the client's budget. The Creditors' Rights attorneys often work closely with complementary firm attorneys, including those in the litigation and appeals, corporate, bankruptcy and financial restructuring, real estate and construction practices.

When collectability is an issue, we may seek to preserve a debtor's assets through various judicial proceedings, including pre-judgment garnishment, sequestration or temporary injunction. Once a lawsuit is filed, we often utilize the summary judgment procedure to obtain judgment on the debt.

Post Judgment Collection

After a judgment is obtained, we look for ways to expand liability of the debt to other responsible parties through fraudulent transfer or construction trust fund theories. We also proactively help clients identify hidden assets through online investigations and post-judgment depositions. Once assets are identified, we aggressively seek their recovery via various judgement collection proceedings aimed at increasing the collectible value of judgments, including:

- Post-judgment garnishments
- Receiverships
- Charging orders
- Turnover actions

Construction and Real Estate

Whether related to real estate loan default or construction claims, the Bell Nunnally team regularly represents institutional and private lenders in collecting on debt secured by real property. In the construction industry, we help contractors and suppliers working on private, state and federal projects to perfect and foreclose mechanic's and materialman's lien claims and payment bond claims. For commercial landlords, we handle lease-related disputes, including breach of lease cases and forcible detainer actions. The team works closely with firm attorneys in related practices to help clients, including lenders, owners, investors, tenants, contractors and subcontractors, collect money owed to them as a result of:

- Mechanic's and materialman's liens
- Payment bond claims
- Construction litigation
- Commercial landlord-tenant disputes
- Loan defaults and foreclosures

Financial Industry and Institutional Lenders

Our financial industry clients routinely seek us out to facilitate the collection of defaulted loans by recovering collateral and foreclosing on secured properties. Frequent authors and speakers for the

National Association of Credit Management, firm attorneys also work with credit managers to develop credit policies and forms, including credit applications, guarantees and promissory notes.

Representative Experience

- Successfully obtained a \$3 million judgment from a Dallas State Court on behalf of an investment advisor arising out of the advisor's work on the acquisition of an energy pipeline company on behalf of a Dallas-based private equity firm. Following the judgment, navigated a complicated collection process and negotiated a favorable payout agreement with the trustee of a Louisiana bankruptcy action.
- Represent corporate creditors in the collection of defaulted loans, foreclosure of secured properties and perfection of lien claims.
- Represent clients in lawsuits based on promissory notes, guarantees and unpaid accounts.
- Served as lead counsel in dozens of turnover, sequestration and garnishment matters across Texas and successfully defended these actions at oral argument.
- Obtained numerous post-judgment actions resulting in full satisfaction of six-figure judgments.
- Served as lead counsel for dozens of garnishments across Texas and successfully defended garnishments at oral argument in motions to dissolve writ of garnishment hearings.

Related Practices

Appeals

Bankruptcy and Financial Restructuring

Commercial Finance

Corporate and Securities

Litigation

Mergers and Acquisitions

Real Estate Law

Tax

Related Industries

Agribusiness, Beverage and Food

Construction



Financial Services

Health Care

Real Estate

Manufacturing

Transportation and Logistics

Wholesale, Retail and Services

Related Attorneys

R. Heath Cheek

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