



## DAVID WM. ENGELMAN

---

**David Wm. Engelman** brings a longstanding commitment to efficient and effective client service developed over 25 years as a solo practitioner and 17 years managing a small firm. He integrates that style with a similar commitment to providing quality legal services to his clients. The success of this approach is evidenced by the retention of clients for over 35 years.

David is an experienced attorney whose practice focused on commercial law. He has engaged in a wide variety of areas over his career, including banking and credit union law, loan and contract drafting, bankruptcy representation for commercial creditors and debtors, loan workouts, and business and agricultural matters. David concentrated his practice areas on business deals, including buying and selling businesses, banking and credit union matters, loan originations, loan workouts, complex business disputes, and commercial bankruptcy matters. David also served as General Counsel to Arizona Federal Credit Union.

### **PRACTICE AREAS**

- Bankruptcy and Reorganization
- Creditor Rights
- Loan Workouts
- Business and Financial Restructuring
- Real Estate
- Loan Documentation
- Mediation
- Buying and Selling of Businesses
- Automobile Dealership Law
- Credit Union Law

### **EDUCATION**

- John Marshall Law School, J.D. with honors, 1975
- Antioch College, B.A., 1972

### **ADMISSIONS**

- Arizona State Courts
- Arizona Federal District Court
- Ninth Circuit Court of Appeals
- United States Supreme Court

## INDUSTRIES

- |                                                                                                                                                 |                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>● Agriculture</li><li>● Banking</li><li>● Construction</li><li>● Credit Union</li><li>● Finance</li></ul> | <ul style="list-style-type: none"><li>● Hospitality and Lodging</li><li>● Investments</li><li>● Real Estate</li><li>● Transportation</li></ul> |
|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|

## CLIENTS

- |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>● Appliance Wholesalers</li><li>● Automobile Dealerships</li><li>● Commercial Lenders</li><li>● Dairy</li><li>● Cattle and other Farmers</li><li>● Financial Institutions</li><li>● Golf Courses</li></ul> | <ul style="list-style-type: none"><li>● Hard Money Lenders</li><li>● HUD – Affordable Housing</li><li>● Financial Investors</li><li>● Non-profits</li><li>● Real Estate Developers</li><li>● Small Business Owners</li></ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## RECOGNITION

- Selected to Southwest Super Lawyers, Creditor Debtor Rights, Bankruptcy, Closely Held Business, since 2008
- Recipient of the Golden Rule Award from Arizona Interfaith Movement, 2012
- Pro Bono Attorney of the Year, Arizona Supreme Court, 2010
- Frank Gordon Traveling Award for Volunteer Attorney of the Year, Volunteer Lawyers Program, 2009
- William Birmingham Clinic Services Award, Volunteer Lawyers Program, 1995 and 1999
- William Morris Pro Bono Service Award, Arizona Bar Foundation, 2004

## CAREER HIGHLIGHTS

Representation of numerous lenders and borrowers in commercial and agricultural loan origination matters, including drafting and negotiating loan agreements and related commercial finance documents.

Representation of lenders and borrowers in loan workouts, including negotiating and drafting forbearance and modification agreements.

Representation of lenders in commercial foreclosure matters, including handling trustee sales and follow up deficiency actions.

Conversion of federally chartered credit unions to state chartered credit unions.

Representation of a large credit union, handling all its bankruptcy files, loan disputes, regulatory issues, title disputes, and day-to-day general legal matters. Drafted various documents for the credit union, including loan documents and motor vehicle dealer finance agreement.

Representation of various farmers in chapter 11 and chapter 12 bankruptcies, with positive outcomes.

Successfully represented a new homebuilder in the orderly Chapter 11 liquidation of its partially constructed homes.

Represented an owner of an apartment complex in successful business reorganization, permitting the client to sell the complex for a tidy profit.

Representation of a major resort through bankruptcy.

Represented a purchaser in the acquisition of \$40 million worth of assets from a bankrupt fiber optic business. This involved the negotiation with over 25 different lessors and contractors to adjust and resolve lease and contract disputes, as well as the negotiation with various mortgagees of real property.

Representation of a creditors' committee in the Chapter 11 case of a primary school and nursery school holding company, resulting in the successful sale and spin-off of schools as going concerns.

Successful bankruptcy liquidation of medical provider company. Representation of asset purchasers from various bankruptcy estates. Drafting and reviewing numerous commercial loans on behalf of lenders.

## **PUBLISHED OPINIONS**

- First Southern National Bank v. Sunnyslope Housing Limited Partnership (In re Sunnyslope Housing Limited Partnership), \_ F.3d \_, (9th Cir. May, 2017)
- In re Sunnyslope Housing Limited Partnership, 2012 WL 603573 (B.A.P. 9th Cir. 2012)
- In re Bender, 586 F.3d 1159 (9th Cir. 2009)
- National Union Fire Ins. Co of Pittsburgh, Pa. v. Greene, 195 Ariz. 105, 985 P.2d 590 (Ariz.App. Div 1, 1999)
- Oyakawa v. Gillette, 175 Ariz. 226, 54 P.2d 1212 (Ariz. App. Div. 1, 1993)