



DAVID M. UNSETH

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BIOGRAPHY

David Unseth concentrates his practice in the areas of corporate restructuring, bankruptcy, creditor's rights, and lending. Mr. Unseth represents Chapter 11 debtors, secured creditors, unsecured creditors, equipment lessors, and asset purchasers in bankruptcy cases throughout the United States. In addition, Mr. Unseth represents regional and national lending institutions, debtor-in-possession lenders, and mortgage lenders in bankruptcy cases, debtor-in-possession financing transactions, receivership actions, out-of-court restructurings, foreclosure actions, and deed-in-lieu of foreclosure transactions throughout the United States.

CIVIC INVOLVEMENT & HONORS

- *The Best Lawyers in America*®, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law (2021-2025)

SPOKEN LANGUAGES

- German

ADMISSIONS

- Illinois, 1999
- Missouri, 1998
- United States Court of Appeals for the Eighth Circuit

United States District Courts for the Eastern District of Missouri, Southern District of Illinois and Eastern District of Wisconsin

U.S. Bankruptcy Court, Eastern District of Missouri

U.S. Bankruptcy Court, Southern District of Illinois

U.S. Bankruptcy Court, Northern District of Illinois

U.S. Bankruptcy Court, Eastern District of Wisconsin

U.S. District Court, Northern District of Illinois

EDUCATION

Washington University, J.D., Order of the Coif, 1998

Carleton College, B.A., 1989

RELATED PRACTICE AREAS

- Restructuring & Insolvency/Special Situations
- Lenders & Other Creditors
- Debtors & Corporates
- Committees & Estate Representatives
- Bank Transactions & Strategy
- Bank Regulatory Compliance, Operational Support & New Products
- Financial Regulation Compliance & Investigations

- Regulation, Compliance & Advisory
- Financial Services Corporate & Regulatory Team
- Corporate
- Finance
- Investigations
- Financial Services
- Financial Institutions
- Funds Finance
- Workouts & Financial Restructuring
- Wealth Management
- Subchapter S
- Going Private
- Community Banking Litigation
- De Novo Banking

EXPERIENCE

Secured Lender Representations

- *In re Outdoor Direct Corporation f/k/a The Brinkmann Corp.* (Bankr. D. Delaware) Represented the agent bank for a \$55 million secured credit facility in connection with Chapter 11 bankruptcy cases filed by the borrowers (manufacturing companies).
- *In re Haverhill Chemicals, LLC* (Bankr. S.D. Texas) Represented the agent bank for a \$145 million secured credit facility in connection with the Chapter 11 bankruptcy case filed by the borrower (chemical company).
- *In re CPI Corp.* (Bankr. D. Delaware) Represented agent bank for \$90 million secured credit facility in connection with Chapter 7 bankruptcy cases filed by the borrowers (photo studio operators).
- *In re Consolidated Resorts Inc.* (Bankr. D. Nevada) Represented secured lender for \$450 million secured credit facility in connection with Chapter 7 bankruptcy cases filed by the borrowers (timeshare developers).

Mortgage Lender Representations

- *In re Realty Mortgage Corporation* (Bankr. S.D. Miss.) Represented national mortgage lender in connection with Chapter 11 bankruptcy case filed by one of its correspondent lenders.

- *In re First Magnus Financial Corporation* (Bankr. D. Ariz.) Represented national mortgage lender in connection with Chapter 11 bankruptcy case filed by one of its correspondent lenders.
- *In re Aegis Mortgage Corporation* (Bankr. D. Del.) Represented national mortgage lender and national warehouse lender in connection with Chapter 11 bankruptcy case filed by one of its correspondent lenders.

Chapter 11 Debtor Representations

- *In re Bakers Footwear Group, Inc.* (Bankr. E.D. Mo.) Represented a national women's shoe retailer in its Chapter 11 bankruptcy case.
- *In re Dry Ice, Inc.* (Bankr. E.D. Mo.) Represented a national teen furnishings retailer in its Chapter 11 bankruptcy case.
- *In re Farmland Industries, Inc.* (Bankr. W.D. Mo.) Represented a group of meat processing and farm supply companies in their Chapter 11 bankruptcy cases.
- *In re Bridge Information Services, Inc.* (Bankr. E.D. Mo.) Represented a group of global financial information providers in their Chapter 11 bankruptcy cases.

Foreclosure Matters

- Represent banks and financial institutions in all aspects of judicial foreclosure sales, non-judicial foreclosure sales, and deed-in-lieu of foreclosure transactions in Missouri and Illinois. Prior representations include foreclosure sales of shopping centers, commercial buildings, apartment complexes, and undeveloped real estate.
- Testified as an expert witness regarding the "commercial reasonableness" of a UCC foreclosure sale.

RESOURCES

PUBLICATIONS

- Author, *Missouri Bankruptcy Practice* (2nd Ed.) (Chapter 14 – "Executory Contracts and Unexpired Leases")
- Author, *What Level of Fiduciary Duty Should Mortgage Brokers Owe Their Borrower?* (Washington University Law Quarterly, Winter 1997)

SPEAKING ENGAGEMENTS

- Speaker, *Chapter 11 Bankruptcy Fundamentals* (Client Presentation) (May 2020)
- Speaker, *Select Commercial Lending, Restructuring, and Bankruptcy Topics* (Client Presentation) (December 2019)
- Speaker, *Restructuring Alternatives for Distressed Borrowers (A Lender's Tool Box)* (Client Presentation) (May 2019)
- Speaker, *Judgment Enforcement in Missouri* (Lorman Education Services) (February 2014; May 2011)
- Speaker, *Strategies for Dealing with Struggling and Bankrupt Customers* (Corporate Counsel Institute) (May 2009)
- Speaker, *Impact of Recent Bankruptcy Law Changes on Estate Planning* (Missouri Bar) (July 2006)

RELATED INSIGHTS

Awards

Aug 17, 2023

The Best Lawyers in America® 2024

News

Jan 27, 2023

BCLP represents Enesco in two major transactions

News

Sep 15, 2022

BCLP partner contributes to Thomson Reuters "Bankruptcy and Restructuring" newsletter

Awards

Aug 18, 2022

The Best Lawyers in America® 2023

News

Nov 10, 2021

BCLP Names Largest Class of Partner Promotions

Awards

Aug 19, 2021

The Best Lawyers in America® 2022

Awards

Aug 20, 2020

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