

→ Agricultural Finance

Agricultural finance is among the most complex areas of commercial law, requiring skills ranging from real estate, Article 9 secured transactions, state and federal lien laws unique to agriculture, to bankruptcy and environmental law. With one of the largest lending, workout and bankruptcy practices in California, Sheppard, Mullin, Richter & Hampton LLP's Agricultural Finance attorneys have nationally recognized expertise in structuring and documenting new loan transactions, restructuring troubled agricultural business loans, and representing creditors, trustees and creditors' committees in agricultural bankruptcies. Sheppard Mullin has substantial experience with matters involving the Perishable Agricultural Commodities Act ("PACA"), the Packers and Stockyard Act and other agribusiness regulations. Additionally, we provide advice and counsel to agricultural lenders in connection with lender liability cases, and have considerable Chapter 12 experience.

Rankings

Benchmark Litigation

- Bankruptcy, *Benchmark Litigation*, 2019

Chambers USA

- Band 4, Banking and Finance, California, *Chambers USA*, 2019
- Band 4, Banking/Restructuring, California, *Chambers USA*, 2019

U.S. News & World Report/Best Lawyers

- Tier 1, Banking and Finance Law, National, *U.S. News & World Report/Best Lawyers*, 2019
- Tier 1, Bankruptcy and Creditor Debtor Rights/ Insolvency and Reorganization Law, National, *U.S. News & World Report/Best Lawyers*, 2019
- Tier 1, Litigation – Bankruptcy, National, *U.S. News & World Report/Best Lawyers*, 2019

Clients

Representative Clients

A sampling of the clients that provide credit to growers, ranchers and food processors in California and throughout the nation that we have represented include:

- American AgCredit
- Bank of America
- CIT
- MUFG Union Bank

- US Bank
- Wells Fargo Bank

Attorneys in this practice have served on national committees pertaining to agricultural finance and insolvency, where responsibilities have ranged from making amendment recommendations to UCC Article 9 affecting agriculture to serving as chair of the Agricultural and Agri-Finance Subcommittee of the American Bar Association Commercial Finance Committee. In addition, our attorneys have been involved in some of the largest food processor bankruptcies on the West Coast, involving complex commercial law, bankruptcy and agricultural lien issues.

Experience

Representative Matters

- Represented the agent and lender and eight other lenders to Tri-Valley Growers in a massive workout involving the refinancing of a syndicated loan facility
- Represented bank lenders in a Chapter 11 case involving Agripac, a processor of canned and frozen vegetables headquartered in Salem, Oregon
- Represented the secured creditor in a workout of a processor of pistachios in the San Joaquin Valley. The liquidation of assets involved significant debt, water rights, complicated leases, partnerships and brown water contamination issues
- Represented the second lender in connection with a complicated workout resulting in a sale of substantially all of the personal property assets of Lindsey Olive Growers through a structured,
- consensual foreclosure sale. The real property assets were affected by serious environmental problems
- Represented the secured creditor in connection with a workout of the Rice Growers' loans involving substantial state court litigation, including actions to foreclose on real property
- Represented the creditors committee in a Chapter 11 case of a dairy farming cooperative operating several dairy locations in the San Joaquin Valley and Southern California
- Represented a Farm Credit System Lender in documenting secured loans to a timber company
- Represented a secured lender in a large loan as part of the bankruptcy of Valley Nitrogen Producers
- Represented the secured creditor in a foreclosure on almond orchards that secured a guarantee securing an oil and gas loan to a partnership in which the individual farmer was a member
- Represented Bank of America, N.A., as agent for a syndicate of lenders, in connection with several term and revolving credit facilities to a family of companies for the development and financing of wineries and associated projects
- Handled numerous loan restructurings, bankruptcies and foreclosures on various farm lands raising, among other things, alfalfa, peppers, almonds, asparagus, flowers, citrus, avocados, lettuce, wheat, melons, strawberries and herbs, as well as livestock, bees and dairy