



MELISSA S. HAYWARD
MANAGING MEMBER

PHONE: 972.755.7104
FAX: 972.755.7114
EMAIL: MHAYWARD@HAYWARDFIRM.COM



PRACTICE AREAS

Bankruptcy Reorganizations
Debt Restructuring
Complex Commercial Litigation
Creditors' Rights

BAR ADMISSIONS

Texas

COURT ADMISSIONS

United States Court of Appeals for the Fifth Circuit
United States District Court for the Eastern District of Texas
United States Bankruptcy Court for the Eastern District of Texas
United States District Court for the Northern District of Texas
United States Bankruptcy Court for the Northern District of Texas
United States District Court for the Southern District of Texas
United States Bankruptcy Court for the Southern District of Texas
United States District Court for the Western District of Texas
United States Bankruptcy Court for the Western District of Texas
All Texas State Courts

PROFESSIONAL HISTORY

Hayward & Associates PLLC,
F/K/A Franklin Hayward LLP
Founding Member
Locke Lord Bissell & Liddell LLP,
Associate

EDUCATION

J.D., *cum laude*, Dedman School of Law
Southern Methodist University
B.A., Government and Philosophy
The University of Texas at Austin

MELISSA S. HAYWARD has extensive experience assisting clients in complex bankruptcy proceedings and commercial litigation. With an AV Preeminent Rating from Martindale-Hubbell and named a Texas Rising Star by Texas Monthly magazine in 2008, 2009, 2011, 2012, 2013, 2014, 2015, 2016, and 2017, Ms. Hayward specializes in complex corporate reorganizations and debt restructurings. Ms. Hayward has represented dozens of commercial debtors in complex Chapter 11 reorganization proceedings throughout Texas, including hospitals, retail operators, shopping centers, hotels, office buildings, construction companies, land developers, restaurants, and a market and tradeshow center. Ms. Hayward has also represented lenders, mortgage servicers, high profile Forbes 100 companies, internet registrants, Chapter 7 and 11 Trustees, commercial landlords, national football teams, creditors' committees, employees, and various other creditors with respect to a wide variety of bankruptcy and litigation issues. Ms. Hayward has significant experience in prosecuting and defending federal appeals, preference and fraudulent transfer avoidance actions, and fiduciary litigation in federal and state court.

REPRESENTATIVE EXPERIENCE

In re Luke's Locker Incorporated, et. al.; 17-40126-BTR-11 (Bankr. E.D. Tex. 2017)

Counsel for debtor-in-possession retailer specializing in running and fitness apparel and footwear with multiple Class A shopping center locations throughout Texas

In re FPMC Fort Worth Realty Partners, LP; 15-44791-MXM-11 (Bankr. N.D. Tex. 2015)

Counsel for debtor-in-possession owner of the Forest Park Medical Center at Fort Worth facilities. Provided full return to creditors and equity owners through \$117.5 million §363 auction of hospital to Texas Health Resources.

In re Forest Park Realty Partners III, LP, et. al.; 15-34814-SGJ-11 (Bankr. N.D. Tex. 2015)

Counsel for debtor-in-possession owner of the Forest Park Medical Center at Dallas facilities. Provided full return to creditors and equity owners through \$135 million §363 sale of hospital to Hospital Corporation of America.

In re WholeLife Properties, LLC; 16-42274-MXM-11 (Bankr. N.D. Tex. 2016)

Counsel for debtor-in-possession owner of Craig Ranch development located in McKinney Texas.

In re Denver Merchandise Mart Inc., et. al.; 11-31615-BJH-11 (Bankr. N.D. Tex. 2011)

Counsel for debtor-in-possession owner of wholesale market and tradeshow center; successfully restructured the debts and obligations through highly contested cram down proceeding and obtained significant affirmance by Fifth Circuit in appeal of bankruptcy court's disallowance of multi-million dollar yield maintenance premium.

In re Midvale Lodging LLC; Case No. 13-40875-BTR-11 (Bank. N.D. Tex. 2013)

Counsel for the Official Committee of Unsecured Creditors of a Best Western hotel in Midvale, Utah; obtained full return to all unsecured creditors through confirmed Chapter 11 Plan of Reorganization.

In re Broadband Specialists, Inc.; Case No. 14-33038-HDH-11 (Bankr. N.D. Tex. 2014)

Counsel for debtor-in-possession underground utility contractor specializing in installing fiber optic cables. Successfully confirmed Chapter 11 plan of reorganization.



MELISSA S. HAYWARD

MANAGING MEMBER

PHONE: 972.755.7104

FAX: 972.755.7114

EMAIL: MHAYWARD@HAYWARDFIRM.COM



PROFESSIONAL AFFILIATIONS AND AWARDS

Rated AV Preeminent by Martindale-Hubbell
Lawyer Ratings

Named a "Texas Rising Star" by Texas Monthly
magazine in 2008, 2009, 2011, 2012,
2013, 2014, 2015, 2016, and 2017

Pupilage Group Leader and Barrister, John C.
Ford Inn of Court

Named a "2012 Outstanding Attorney under 40"
by the Cardozo Society of the Jewish
Federation of Greater Dallas

2009 Recipient of the Housing Crisis Center's
Jean Shepherd Award as Pro-Bono
Volunteer Attorney of the Year

Director, Chair of the Human Resources
Committee, Member of the Executive
Committee, Housing Crisis Center

Member, Dallas Bar Association, Bankruptcy &
Commercial Law Section

Member, Dallas Association of Young Lawyers

Member, American Bankruptcy Institute
Member, Turnaround Management
Association

Member, International Women's Insolvency &
Restructuring Confederation

Member, Attorneys Serving The Community
Former Vice-President, DFW Association of
Young Bankruptcy Lawyers

Former Articles Editor of SMU Law Review

ARTICLES AND PRESENTATIONS

*Deconstructing Bankruptcy: Blueprints for Title
11 of the United States Code* presented to the
Construction Law Section of the Dallas Bar
Association on February 2, 2017 and on August
2, 2012

Panel Speaker, Healthcare Restructuring Panel
presented to the Turnaround Management
Association on March 24, 2016 Hospital

*The Most Controversial Bankruptcy Cases of All
Time* presented to The Honorable John C. Ford
American Inn of Court on November 14, 2016

*Facilitator and Small Group Leader, International
Insolvency Seminar* hosted by the Center for
American and International Law on June 10,
2016 and on June 8, 2015

*A Man Hears What He Wants to Hear and
Disregards the Rest: What Pop Music Song Lyrics
Can Teach Us About Bankruptcy Ethics* presented to
The Honorable John C. Ford American Inn of
Court on October 13, 2015

*Playing the Hand You're Dealt (52 Lessons That
Lawyers, Even Bankruptcy Lawyers, Can Learn
at the Poker Table)* presented to the Bankruptcy
Section of the Dallas Bar Association on August
4, 2010

Social Media: Friend or Foe? presented to The
Honorable John C. Ford American Inn of Court
on October 15, 2013

REPRESENTATIVE EXPERIENCE CONTD.

In re Continental Common, Inc.; Case No 10-37542-HDH-11 (Bankr. N.D. Tex.)

Counsel for debtor-in-possession owner of 31 story skyscraper located in downtown New Orleans. Successfully confirmed Chapter 11 plan of reorganization.

In re The Shops at Prestonwood, LP; Case No. 11-32209-HDH-11 (Bankr. E.D. Tex.)

Counsel to debtor-in-possession residential land developer. Successfully confirmed Chapter 11 plan of reorganization.

1701 Commerce, LLC; Case No 12-41728-DML-11 (Bankr. N.D. Tex.)

Counsel to hotel operator in Chapter 11 proceeding of Sheraton hotel in downtown Fort Worth.

In re MRI Beltline Industrial, LP; Case No 11-36037-BJH-11 (Bankr. N.D. Tex.)

Counsel to debtor-in-possession apartment complex. Successfully confirmed Chapter 11 plan of reorganization.

In re Sayle Village Apartments, LP; Case No. 11-37022-BJH-11 (Bankr. N.D. Tex.)

Counsel to debtor-in-possession apartment complex. Successfully confirmed Chapter 11 plan of reorganization.

In re MRI Rosegate Investment Fund LP; Case No. 11-37134-BJH-11 (Bankr. N.D. Tex.)

Counsel to debtor-in-possession apartment complex. Successfully confirmed Chapter 11 plan of reorganization.

In re ABCLD Holdings LLC; Case No. 11-34969-BJH-11 (Bankr. N.D. Tex.)

Counsel to debtor-in-possession real estate holding company. Successfully confirmed prepackaged Chapter 11 plan.

In re Funnel Science Internet Marketing LLC; Case No. 14-42120-BTR-7 (Bankr. E.D. Tex.)

Counsel to alleged debtor internet marketing firm in involuntary bankruptcy proceeding. Obtained dismissal of involuntary proceeding and judgment against petitioning creditors for fees and costs.

In re Brook Mays Music Co.; Case No. 06-32186-SGJ-7 (Bankr. N.D. Tex.)

Represented Chapter 7 Trustee in bankruptcy of major retail operation and recovered significant funds for creditors through pursuit of more than one hundred preference and fraudulent transfer avoidance actions.

In re Mulligan Mint Inc.; Case No. 13-34728-SGJ-11 (Bankr. N.D. Tex.)

Represented official committee of unsecured creditors in chapter 11 proceeding of currency mint.

OTHER NOTABLE REPRESENTATIONS

Ongoing representation of national mortgage servicer in defense of adversary proceedings brought by Chapter 13 debtors

Represented large file hosting service in Chapter 11 proceeding filed by judgment debtor.

Represented multinational technology and services conglomerate in defense of \$200 million avoidance action related to off shore power plant purchase transaction.

Represented international automotive lender in Chapter 11 reorganization proceeding filed by auto dealership.

Represented national football team in bankruptcy proceeding filed by former player.

Represented various secured lenders in obtaining relief from automatic stay and assistance with foreclosure of collateral.

NOTEWORTHY COURT DECISIONS

Campbell v. Countrywide Home Loans, Inc., 545 F.3d 348 (5th Cir. 2008)

loan servicer did not violate automatic stay when it filed proof of claim asserting right to increased post-petition mortgage payments under loan documents

In re Denver Merch. Mart, Inc., 740 F.3d 1052 (5th Cir. 2014)

acceleration of note due to borrower's default by nonpayment did not trigger obligation to pay prepayment consideration

In re Trevino, 535 B.R. 110 (Bankr. S.D. Tex. 2015)

dismissal of substantial claims on 12(b)(6) motion against mortgage servicer

In re Brook Mays Music Co., 418 B.R. 623 (Bankr. N.D. Tex. 2009)

payments made to vendor during preference period were not made in the ordinary course of business

In re Mounce, 2009 WL 2767134 (W.D. Tex. Aug. 26, 2009)

Obtained significant reversal of bankruptcy court's certification of a consumer class action against national mortgage lender and dismissal of proceeding for lack of jurisdiction