



**MELISSA S. HAYWARD**  
MANAGING MEMBER

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**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, published in Texas Monthly magazine as a 2020 Super Lawyer by Thomson Reuters, and recognized by D Magazine as a Best Attorney in 2020, Ms. Hayward's versatile practice guides individuals and businesses through the complexities of Chapter 11 restructuring and litigation.

In addition to her significant practice rehabilitating and reorganizing financially distressed businesses, both in proceedings under Chapter 11 of the Bankruptcy Code and in out-of-court workouts, Ms. Hayward also regularly represents national banks and lenders, Forbes 100 companies, Chapter 7 and 11 Trustees, commercial landlords, creditors' committees, and other creditors and parties-in-interest in a wide range of bankruptcy and litigation matters and through all stages of state and federal court proceedings, including appeals, preference and fraudulent transfer avoidance actions, and fiduciary litigation.

**REPRESENTATIVE EXPERIENCE**

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



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## PROFESSIONAL AFFILIATIONS AND AWARDS

Rated AV Preeminent by Martindale-Hubbell  
Lawyer Ratings

Published in Texas Monthly Magazine by  
Thomson Reuters as a 2020 "Super  
Lawyer" and as a "Rising Star" in 2008,  
2009, 2011, 2012, 2013, 2014, 2015,  
2016, 2017, 2018, and 2019

Pupilage Group Leader, Executive Committee  
Member, 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

Former 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

*Under the Knife-Dissecting Health Care Bankruptcies*,  
paper and panel speaker presented at the Northern  
District of Texas Bankruptcy Bench-Bar Conference  
on June 8, 2018

*Panel Speaker*, Healthcare Restructuring Panel  
presented to the Turnaround Management  
Association on March 24, 2016 and May 17, 2018

*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

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

*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

*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

## 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