



**Bernard D. Felsen**  
Attorney / Shareholder  
Chairman of the Board

#### Areas of Concentration

- Banking, Lending & Financial Institutions
- Real Estate
- Mergers & Acquisitions
- Corporate Law
- Creditor's Rights, Bankruptcy & Restructuring

#### Education

J.D., University of Texas School of Law, Austin, TX

B.A., *Magna Cum Laude*, Phi Beta Kappa, Rice University, Houston, TX

Associate Editor – Texas International Law Journal

#### Admission

Admitted, State Bar of Texas

Admitted, United States District Court Western District of Texas

United States District Court of Northern District of Texas

#### Contact Information

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Attorney Bernard Felsen is President of ScottHulse and Chair of the Firm's Board of Directors. Bernard "Bernie" Felsen, a ScottHulse shareholder, practices primarily in the areas of banking, lending, and financial institutions, real estate, mergers and acquisitions, and corporate law.

In the banking and lending areas, Mr. Felsen represents institutional and private lenders as well as borrowers with respect to a wide array of lending facilities. Mr. Felsen's extensive experience includes the documentation and negotiation of syndicated loans, structured project financing, permanent financing transactions, construction loans, revolving lines of credit, cross-border financing transactions and accounts receivable factoring transactions. Project financing with which Mr. Felsen has been involved include hotels, government buildings, retail centers, warehouses and multi-family housing.

In the real estate area, Mr. Felsen has handled the sale and purchase of numerous commercial projects ranging from multi-storied office buildings to retail centers and warehouse projects. He has also worked on land development matters and has addressed subdivision and other municipal and county land use issues. Additionally, Mr. Felsen has extensive experience in commercial leasing, including ground leases, as well as landlord/tenant disputes.

In the merger and acquisition area, Mr. Felsen has been involved in the sale and purchase of numerous businesses including supermarkets, television and radio



stations, data processing companies, a major waste management company, a major retail convenience store chain, and automobile and truck dealerships.

In the corporate area, Mr. Felsen routinely addresses entity formation and corporate authorization issues. In particular, he has formed single purpose, bankruptcy remote entities in conjunction with his lending practice, and he has experience with entity structures involving multiple affiliated entities.

Mr. Felsen also has extensive creditor's rights experience. He has given presentations on both foreclosure and bankruptcy related topics. Mr. Felsen has represented numerous creditors in Chapter 11 proceedings and has addressed such matters as use of cash collateral, motions for relief from stay, lease assumption and rejection matters, plan disclosure statements and confirmation as well as bankruptcy sales free and clear of liens.

Mr. Felsen has the highest Martindale-Hubbell peer rating of AV Preeminent. An AV Preeminent peer rating reflects an attorney who has reached the heights of professional excellence. He or she has usually practiced law for many years, and is recognized for the highest levels of skill and integrity.

With respect to Mr. Felsen's activities in the El Paso community, he is the current general counsel for the Greater El Paso Chamber of Commerce and currently serves on the Chamber's Governing Board of Directors. He has also served on boards and committees or otherwise has volunteered with various organizations including United Way, Junior Achievement, the Jewish Federation of El Paso and the Board of Directors of Congregation B'nai Zion.

### Representative Matters

- Representation of national money center banks as well as regional and community banks on real estate and commercial lending matters as well as creditor's rights and workout issues.
- Representation of national real estate Development Company on multiple projects in numerous states with respect to acquisition of development sites and various types of financing including construction financing, permanent financing and structured project financing.
- Representation of privately held real estate investment trust with respect to property acquisition and financing matters.
- Representation of international service company with respect to syndicated loan transactions involving both domestic and European subsidiaries.
- Representation of seller of a major waste management company to a publicly traded company.
- Representation of seller of retail convenience store chain regarding real estate matters.

- Representation of sellers and purchasers of automobile dealerships, including issues related to floor plan financing and interim operating agreements.
- Representation of seller of heavy duty truck dealership.
- Representation of factoring companies including documentation of factoring agreements and assistance with collection issues.
- Negotiation and documentation of forbearance and workout agreements as well as participation in bankruptcy auctions.
- Representation of closely held businesses in various industries and service sectors including, manufacturing, transportation and retail sales.

### Organizations

- American Bar Association
- El Paso Bar Association
- Greater El Paso Chamber of Commerce (Board of Directors, current General Counsel)
- Jewish Federation of El Paso
- Board of Directors, Congregation B'nai Zion