

PRACTICE AREAS

- Bankruptcy & Financial Restructuring
- Financial Services & Insolvency Litigation

EDUCATION

- B.S., University of South Carolina, 1979
- J.D., University of South Carolina, 1983

BAR & COURT ADMISSIONS

- South Carolina, 1983

OTHER AREAS OF LAW

- Bankruptcy and Restructuring
- Foreclosure, Claim and Delivery
- Homeowner Association Law

DAVID B. WHEELER



MEMBER

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Author and frequent lecturer on leading-edge bankruptcy and creditors' rights issues, Dave Wheeler provides his commercial bankruptcy and restructuring clients sophisticated counsel across a full spectrum of creditor representation issues.

A South Carolina Supreme Court-certified specialist in bankruptcy and debtor/creditor law, he works largely in commercial bankruptcies and foreclosures on behalf of creditors, including handling claim objections and preference claim defense nationwide, with frequent appearances in the Southern District of New York and Delaware.

Additionally, Mr. Wheeler represents both homeowner associations/condominium regimes and individual homeowners in matters related to drafting, forming, interpreting and enforcing restrictive covenants, bylaws and applicable South Carolina Nonprofit Corporation Act provisions.

His services to clients include:

- Preferences
- Utility bankruptcy
- Liquidation plans
- Chapter 7 & 11 bankruptcy
- Foreclosure
- Involuntary bankruptcy filing
- Receivership
- Preferences

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DAVID B. WHEELER

- Fraudulent conveyance actions
- Landlord claims
- Assessment enforcement
- Covenants and bylaws drafting and interpretation

Representative Cases

- Represented senior secured lender in transition and sale of second-tier auto supplier in non-judicial workout and involuntary bankruptcy.
- Represented limited partner in acquisition of controlling interest of alternative energy supplier.
- Represented utility supplier and purchaser in negotiation and recovery of \$9.5 million contract rejection claim.
- Represented utility in negotiation and recovery of \$107.5 Thousand contract rejection claim.
- Secured dismissal of \$458 Thousand preference claim against trade creditor.
- Secured dismissal of \$172 Thousand preference claim against trade creditor.

See Disclaimer

OF NOTE

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- Included in *Best Lawyers in America* for Bankruptcy and Creditor-Debtor Rights/Insolvency and Reorganization Law, 2009 - 2012.
 - Selected for inclusion to the *North Carolina Super Lawyers* list in 2008 - 2012. His primary area of practice is Bankruptcy and Creditor-Debtor Rights Law.
 - Author, "In re Pillowtex, Delaware Embraces the Subsequent New Value Approach," *Unsecured Trade Creditors Committee Newsletter*
 - Former board member, South Carolina Supreme Court Bankruptcy and Debtor/Creditor Law Specialization Board

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DAVID B. WHEELER

- Contributing editor, *American Bankruptcy Institute Journal*
- Editor and co-author, *ABI Preference Handbook*
- Co-author, *ABI Preference Defense Handbook*
- Co-author, "A Fully-Informed Decision: Reaffirmation, Disclosure and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005," *The American Bankruptcy Law Journal*
- Member, South Carolina Law Institute committee revising non-profit corporation framework

PROFESSIONAL AFFILIATIONS

- Certified Specialist: Bankruptcy Law, Debtor-Creditor Law, Supreme Court of South Carolina
- South Carolina Bar Association
- South Carolina Bankruptcy Law Association
- Board of Directors, American Bankruptcy Institute
- American Bankruptcy Institute: Contributing Editor, *American Bankruptcy Institute Journal*
- Editor and Co-Author of the *ABI Preference Handbook* (First and Second Editions)
- Former Board Member, South Carolina Supreme Court Bankruptcy and Debtor/Creditor Law Specialization Board
- Law Clerk to Honorable William M. Catoe, Jr., United States Magistrate, District of South Carolina, 1983-1984; Honorable J. Robert Martin, United States District Senior Judge, District of South Carolina, 1984