

# HINKLE

LAW FIRM LLC



## MARTIN R. UFFORD

MEMBER

*Mr. Ufford has represented lenders in negotiating, structuring and collecting loans involving hundreds of millions of dollars. He has represented financial institutions in hundreds of workouts, foreclosures, and all types of bankruptcy proceedings.*

### OVERVIEW

#### MARTIN R. UFFORD

Phone: 316.660.6050

Fax: 316.630.6521

Email: [mufford@hinklaw.com](mailto:mufford@hinklaw.com)

Wichita Office: 1617 N. Waterfront Pkwy, Ste 400 Wichita, KS 67206

Since his admission to the Kansas Bar in 1977, Mr. Ufford has represented lenders in negotiating, structuring and collecting loans involving hundreds of millions of dollars. He has represented financial institutions in hundreds of workouts, foreclosures, and all types of bankruptcy proceedings.

He developed the agreements and procedures used by the Farm Credit System Capital Corporation for the purchase of a billion dollars' worth of non-performing loans.

He has successfully defended several lender liability claims seeking actual damages in the millions of dollars, and has tried, briefed, or argued several reported decisions involving real estate, commercial and bankruptcy law.

Mr. Ufford has been a speaker at numerous seminars sponsored by the Kansas and Wichita Bar Associations, as well as in-house presentations for corporate clients. He has several published articles, including the chapter on Bankruptcy Issues for initial and supplemental volumes of the Kansas Environmental Law Handbook.

He is former general counsel for the Federal Intermediate Credit Bank of Wichita and served on the Board of Directors for The Trust Company of Kansas for twenty years.

Martin practices in the areas of Bankruptcy and Creditors Rights, Commercial and Complex Litigation, Estate Planning, Probate, and Real Estate.

### PRACTICE AREAS

- > Bankruptcy & Creditor's Rights
- > Business & Corporate Law
- > Collections
- > Probate
- > Real Estate

### EDUCATION

- > Washburn University School of Law, J.D., 1977
- > University of Kansas, B.A., 1974

### BAR ADMISSIONS

- > Kansas Supreme Court
- > United States Court of Appeals, 10th Circuit
- > United States Supreme Court

## AFFILIATIONS

- Kansas Bar Association
- Wichita Bar Association (Fee Disputes Committee since 1991)



## PUBLICATIONS

- Environmental Issues in Bankruptcy, Kansas Environmental Law Handbook (May, 1992).
- How to Select and Hire an Environmental Auditor, The Kansas Banker (July, 1990).
- Avoiding the Spectre of Environmental Liability: Recommendations for Financial Institutions and Trust Companies, 59 J.K.B.A. at 15 (Jan. 1990).
- The Case for Patient Education, Promoting Health (Am. Hosp. Assn., Nov-Dec. 1981).
- Brain Death/Termination of Heroic Efforts to Save Life -Who Decides?; 19 Washburn L.J. 225 (1980), reprinted in Specialty Law Digest: Health Care (BNA, Dec. 1980).

## SELECT PRESENTATIONS

- Revised Article 9, Kansas Bar Association, August 23, 2002.
- Family Limited Partnerships: Structure and Valuation Issues, Southwest Kansas Bar Association, May 1, 1997.
- Basic Probate Procedures and Practice in Kansas, National Business Institute, December 12, 1996.
- A Practical Guide to Estate Administration in Kansas, National Business Institute, January 12, 1996.
- "Lender Liability" Cases Involving Environmental Issues, Wichita Bar Association, November 20, 1992.
- Environmental Issues in Bankruptcy Law, Kansas Bar Association, May, 1992.
- Family Law: Issues in Bankruptcy, Kansas Bar Association, March 15, 1991.
- Advanced Hazardous Waste Regulation: Representing Financial Institutions and Trust Companies, Washburn University School of Law, February 1, 1991.
- Basic Bankruptcy, National Business Institute, November 29, 1990.
- Emerging Environmental Issues in Bankruptcy, Wichita Bar Association, June 22, 1990.
- Protection of Secured Interests in Bankruptcy in Kansas, National Business Institute, February 21, 1989.
- Workouts Under Chapter 12 - The Debtor's Perspective, KTLA Country Lawyer Seminar, October 4 and 5, 1988.

## SIGNIFICANT CASES

- Haysville State Bank v. Hauserman, 225 Kan. 671, 594 P.2d 172 (1979). (Trial Court's judgment against client bank holding that bank's claim on guaranty agreement should have been raised as a compulsory counterclaim in previous litigation is reversed.)
- Executive Financial Services v. Pagel, 238 Kan. 809, 715 P.2d 381 (1986). (Judgment in favor of client involving UCC priority dispute and entrustment doctrine concerning collateral is affirmed.)
- Southwest Nat'l Bank of Wichita v. A.T.G. Constr. Mgt., Inc., 241 Kan. 257, 736 P.2d 1984(1987). (Trial Court's judgment finding client bank was not involved in a joint venture with borrower and that receiver appointed by client properly performed his duties is affirmed.)
- In re Guardianship & Conservatorship of Watkins, 24 Kan. App.2d 469 (1997). (Disabled persons may have their conservator transfer their assets to a supplemental needs trust for the conservatee's own benefit where the requisites of 42 U.S.C. §§1396p(d)(4)(A) are met.)
- Rylander v. Motor City, Inc., Court of Appeals of Kansas. September 09, 2011 (Unpublished Opinion 2011 WL 4031505)(Judgment in favor of client/creditor as to all plaintiff's Kansas Consumer Protection Act claims affirmed on appeal.)
- Cobank, ACB v. Reorganized Farmers Co-op. Ass'n., United States Court of Appeals, Tenth Circuit. March 14, 2006 170 Fed.Appx. 559, 2006 WL 620864) (Summary judgment in favor of client/lender as to all of defendant's lender liability claims for breach of contract, fraud, breach of fiduciary duty, and tortious interference with contract seeking actual damages in excess of \$12,000,000 is affirmed.)
- Griffin v. Federal Land Bank of Wichita, 902 F.2d 22 (10th Cir. 1990). (Judgment in favor of client holding there is no implied cause of action against Farm Credit System institutions for violations of the federal Farm Credit Act.)
- First American Title Ins. Co. v. McGonigle, United States District Court, D. Kansas. March 14, 2013, (Unpublished Opinion 2013 WL 1087353)(Summary judgment entered in favor of client title insurance company finding no liability for breach of contract for failing to except agreements between city of Hutchinson and previous owners regarding maintenance of private dam where state of Kansas had exclusive jurisdiction over dam maintenance issues.)
- Renick Brothers, Inc. v. Federal Land Bank Association of Dodge City, 721 F.Supp. 1198 (D.Kan. 1989) (No implied cause of action under Farm Credit Act exists against client/lender.)
- In re Mueller, 71 B.R. 165 (D. Kan. 1987). (Bankruptcy trustee/client's objection to life insurance exemption claimed by Debtor as being in fraud of creditors affirmed.)
- In re Olson, 61 B.R. 384 (Bankr. Kan. 1986). (Lender client obtained default judgment against Debtors in the amount of \$170,000 and exception to discharge as sanctions for Debtors' failure to comply with discovery orders.)

## REPRESENTATIVE CLIENTS

- First American Title Insurance Company
- CoBank, ACB
- Frontier Farm Credit, ACA
- American AgCredit, ACA
- High Plains Farm Credit, ACA
- Farm Credit of Southwest Kansas, ACA
- The Trust Company of Kansas