



Paul A. Fanning

E: paf@wardandsmith.com

P: 252.215.4027

F: 252.215.4077

Post Office Box 8088

Greenville, NC 27835-8088

P: 919.277.9100

Post Office Box 33009

Raleigh, NC 27636-3009

Professional Experience

Paul leads the Creditors' Rights practice and is certified by the American Board of Certification and the North Carolina State Bar as a Board Certified Specialist in Business and Consumer Bankruptcy Law. His practice experience encompasses bankruptcy, collections, creditors' rights, and lender liability. He concentrates his practice in the representation of creditors in complex bankruptcy cases and state court litigation, including workouts, collection reorganizations, and contested matters.

Paul has represented lenders, trade creditors, farm equipment manufacturers, community associations, contractors and telecommunications companies in various reorganization proceedings, including commercial real estate, manufacturing, and wholesale and retail transactions. He has extensive experience in state court foreclosures and receiverships and other aspects of creditor-debtor litigation, including appellate advocacy. He has been rated by his peers as being "preeminent" in his fields of law.

Practice Concentrations

Bankruptcy

Collections

Foreclosures

Lender Liability

Education

J.D., Wake Forest School of Law,
1998

B.A., The University of North
Carolina at Asheville, 1993

Admitted to Practice

North Carolina, 1998

All state courts in North
Carolina

United States Bankruptcy Court
for the Eastern, Middle, and
Western Districts of North
Carolina

United States Court of Appeals
for the Fourth Circuit

United States District Court for
the Eastern, Middle, and
Western Districts of North
Carolina

United States Supreme Court

Honors and Distinctions*

"Super Lawyer," North Carolina Super Lawyers, 2009-2020

"Legal Elite," Business North Carolina, Bankruptcy, 2006-2008, 2010-2020

The Best Lawyers in America, 2011-2020

Chambers USA 2019, Bankruptcy/Restructuring – North Carolina



Representative Experience

Representation of secured lender through appointment of state court receiver for, and foreclosure against, hotel properties

Representation of international farm equipment manufacturer in complex multistate franchisee bankruptcy case resulting in full recovery

Representation of lead participant secured lender owed \$15 million in contested foreclosure and sale of subdivision property containing three golf courses through bankruptcy

Representation of lender through successful restructure and collateralization of \$20 million loan through bankruptcy plan confirmation of brick manufacturer

Representation of primary secured creditor in regional cigarette manufacturer bankruptcy including regulatory hurdles, cash collateral, asset sales and contested plan confirmation issues resulting in full recovery

Representation of international air filter manufacturer in state business court litigation against secured lender reducing exposure by \$20 million

Representation of defrauded creditor preventing debtors from obtaining bankruptcy discharge

Representation of clients in defending complex preference and fraudulent transfer claims

Professional and Community Affiliations

American Board of Certification — Sections: Business Bankruptcy; Consumer Bankruptcy

Boys & Girls Club of Pitt County (president 2008; board member 2005-2011)

Cal Ripken, Sr. Foundation (Board of Trustees 2011-2012)

Community Associations Institute

Eastern North Carolina Inn of Court

Greenville-Pitt County Chamber of Commerce (board of directors 2007-2009)

Kiwanis Club of University City (vice president 2003-2004; board member 2001-2004)

North Carolina Alliance of Boys & Girls Clubs (president 2014; secretary/treasurer 2011; board of directors 2007-present)

North Carolina Bar Association — Section: Bankruptcy (council member 2005-2007)

North Carolina Creditors Bar Association

** Please see the following websites for an explanation of the membership standards for the following recognitions: www.bestlawyers.com; businessnc.com/special-sections/legal-elite/; and www.superlawyers.com/north-carolina.*