



Jeffrey (Jeff) C. Misley
Partner, Agribusiness Group Chair

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Practice Areas

Agribusiness
Business Restructuring & Bankruptcy
Business
Litigation

Professional Experience

Jeff Misley is a partner and chair of the firm's Agribusiness Practice Group. Jeff has been representing clients in the agriculture industry for over 30 years and understands the unique issues and laws that apply to this industry. His clients include farmers, ranchers, growers, lenders, distributors, and suppliers. Many of his clients are family-owned businesses in the dairy, fruit, vegetable, and plant industries that are recognized leaders in the Oregon and Washington Agribusiness industry. Other clients include food distributors and distributors of perishable agricultural products.

Jeff has considerable experience in the area of creditors' rights related to agriculture cases, food distribution, and the enforcement of lien and trust rights under state and federal law. Jeff serves as general counsel for all types and sizes of agricultural related organizations, and has successfully represented Oregon and Washington agribusiness clients in a number of multimillion dollar merger and acquisition transactions.

Honors/Awards

Best Lawyers in America® 2018 "Lawyer of the Year" for Litigation - Bankruptcy, Portland, OR
Best Lawyers in America® 2021 "Lawyer of the Year" for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, Portland, OR
Best Lawyers in America® (2014-2021)
Oregon Super Lawyers® (2006-2021)

Professional Organizations

American Agricultural Law Association
Oregon State Bar Agricultural Law Section
Round-Up CLE Planning Committee (2014-2019)
Agricultural Law Section Executive Committee (2014-2019), Chair (2016), Chair Elect (2020)
Farm and Ranch Succession Planning Committee (2016)

Multnomah County Bar Association (Oregon)
Turnaround Management Association

Education

B.S., Lewis & Clark College

J.D. *cum laude*, Northwestern School of Law at Lewis and Clark College
Environmental Law Review, 1984

Admitted to Practice

Oregon State Bar

U.S. District Court, Oregon

Washington State Bar

U.S. District Court, Western District of Washington

U.S. District Court, Eastern District of Washington

Idaho State Bar

Recent Speaking Engagements

Navigating the World of Insolvency (2015)

Receiverships as an Alternative to the Agribusiness Bankruptcy (2015)

Why Bad Things Happen to Good Ag Lenders (2016)

Enforcement of Rights Under "PACA"-the Perishable Agricultural Commodities Act (2017)

Agricultural Liens "*The First Ones Now Shall Later Be Last*" (2018)

Farm and Ranch Succession Planning (2018)

Agribusiness Insolvencies from Receiverships to Chapter 11 (2019)

New Developments in Agribusiness Insolvencies (2019)

Agribusiness Representative Cases

- **Ag-Lien Enforcement**

Prepared and successfully enforced multimillion dollar Agricultural Produce and Agricultural Services Liens under Oregon Law against nonpaying purchasers of farm products and services.

- **Agribusiness Litigation**

Represented agribusiness clients in litigation proceedings and collected payment in full from judgment debtors through the enforcement and the foreclosure of liens and security interests.

- **Agribusiness Loan Documentation**

Prepared and drafted numerous documents necessary to agribusiness clients, including grower agreements, distribution contracts, security agreements, and leases of real and personal property.

- **Asset Sales**

Represented sellers and buyers of agribusiness real and personal property assets, including dairies, nurseries, and fruit and vegetable farming operations. Jeff has served as lead counsel in some of the largest transactions involving sales of agribusiness companies and operations in the Pacific Northwest, including the following:

- American Onion (2007) - represented seller of American Onion, a large Oregon agribusiness with world-wide distribution of farm products.

- North Pacific Group (2010-2014) - represented court appointed receiver as seller of lumber and business related assets worth over \$60 million.
 - Rasmussen Farms, Yakima, Washington (2014-2015) - represented court appointed receiver as seller of farm property and agribusiness assets.
 - Leo Gentry Wholesale Nursery, Inc. (2014-2016) - represented court appointed receiver as seller of nursery and business assets.
 - AO Operations, LLC, dba River Point Farms (2016-2017) - represented seller of River Point Farms, one of the largest onion producers in the world.
 - Hale Farms, LLC (2016-2017) - represented seller of family owned agribusiness and farm assets, including multiple farms.
 - Strebin Farms (2017) - represented seller of large farm and farming operations located in Washington.
 - Jantz Family Farms, LLC (2018-2019) - represented court appointed receiver as manager of farm operations and seller of farms, crops, cattle, equipment, and other agribusiness assets with aggregate sales of over \$5.9 million.
 - Carleton Farms, LLC (2018-2019) - represented court appointed receiver as manager and seller of potato farms, crops, cattle, equipment, and storages in Klamath County, Oregon with aggregate sales of farm assets over \$10.8 million.
 - Sandy Farms, LLC (2019)- represented court appointed receiver of 900+ acre berry farm in Clackamas County Oregon following litigation and shareholder dispute, and assisted in the marketing of agribusiness receivership assets for sale.
 - Henzel Farms (2019) - represented seller of grain elevators located in Klamath County, Oregon.
 - Lost Valley Dairy (2019) - represented the successful purchaser of the Lost Valley Dairy located in Boardman, Oregon in a \$68 million transaction approved by the United States Bankruptcy Court for the Eastern District of California in the Chapter 11 case *In re Gregory te Velde*.
- **Borrower Representation**
Represented farmers and ranchers as borrowers in numerous successful workouts with lenders outside of bankruptcy court, including restructurings of cattle, dairy, and farming operations.
 - **Creditors' Rights**
Represented unpaid growers and suppliers of agricultural products in both state and federal court, and successfully recovered all sums owed despite the existence of competing liens in favor of third parties.

- **Defense of Litigation**
 Successfully defended agribusiness clients and food distributors in avoidance or preference litigation in federal bankruptcy courts across the country.
- **Farm and Ranch Succession Planning**
 Assisted numerous family owned agribusinesses with succession planning and developing strategies for the “next generation” of farmers and ranchers.
- **Forbearance & Work Outs**
 Negotiated and prepared numerous forbearance agreements that protected the rights of lenders and growers and resulted in payment in full of sums owed in excess of several million dollars.
- **Lender Representation**
 Represented lenders and secured creditors in numerous insolvency and bankruptcy proceedings involving agribusinesses in Oregon and Washington.
- **Mergers & Acquisitions**
 Successfully represented Oregon agribusiness clients in multimillion dollar merger and acquisition transactions.
- **PACA Claims**
 Successfully enforced the rights of growers and distributors of perishable fruits and vegetables and obtained recovery of over \$2 million owed to agribusiness clients under the Perishable Agricultural Commodities Act or "PACA.”
- **Post-Judgment Collection**
 Pursued collection efforts against third party judgment debtors and collected all sums owed through the enforcement of post judgment collection and lien rights.
- **Representation of Court Appointed Fiduciaries**
 Represented trustees, court appointed receivers, and creditors' committees in large agricultural cases involving nursery, cattle, and farming operations. Assisted in the disposition and recovery of farm and ranch assets which resulted in the recovery of significant funds for creditors.
- **Representation of Landlords**
 Represented landlords of agricultural real property in lease negotiations and the enforcement of lease rights against nonpaying tenants. Assisted farmers, ranchers, and landlords with the leasing of cattle ranches, dairies, storage facilities, and farm land.