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ATTORNEYS AT LAW

For almost a century, Gibson Davenport Anderson and its predecessors have provided legal services to clients in Wichita Falls and North Texas. From early beginnings at the turn of the twentieth century through the beginning of the twenty-first century, the firm has been a vital part of the legal, civic, and economic development of the area. The firm continues a long standing tradition of commitment to the legal needs of our clients by appreciating our history while at the same time realizing the need to adapt to the ever changing demands of a modern legal environment. Our knowledge of the area, its people, culture, and resources gives the firm a unique perspective in the delivery of quality legal services. We are committed to continuing this tradition of excellence and service in order to meet the needs of our clients.

Practice Areas

The firm represents clients in a broad range of practice areas. We are organized into six main practice groups. Banking and Finance, Business Entities, Estate Planning, Wills and Trusts, Oil and Gas, Real Estate and Litigation. We have the depth of experience that allows us to help our clients see the big picture while maintaining a firm grasp on technical legal issues. We have also developed strategic alliances with other attorneys and law firms to assist our clients in certain very specialized areas such as securities law, intellectual property law, pension and profit sharing, and family law.

- Banking & Finance
- Business Entities
- Real Estate & Construction
- Estate Planning/Trusts & Wills Probate Administration
- Oil & Gas
- Litigation

Banking & Finance

Frank Gibson, Erwin Davenport, Matt Anderson, Todd Davenport, Jennifer Murphy

The firm represents many major institutional lenders, including national and state banks, federal and state savings and loan associations, insurance companies and non-bank financial institutions, such as credit unions and holding companies, as well as smaller local banks and savings and loan associations.

The firm takes a very proactive approach to its bank and financing work. The lawyers are committed to communicating with their clients before problems arise. The firm knows the banking and finance industry and is aware of the time pressures that all parties to a transaction face. The lawyers at Gibson Davenport Anderson have earned their reputation for being “deal makers” instead of deal breakers. This is because the firm is committed to delivering professional, sophisticated legal services in a very practical matter.

The firm assists depositors, lenders, and borrowers in accordance with intricate state and federal banking statutes and regulations. The firm has expertise in handling and structuring virtually every type of real and personal property secured and unsecured financing transaction, including working capital and revolving credit loans, term and convertible term facilities, commercial paper and letter-of-credit facilities, recapitalizations and debt restructures, and leveraged leases and leveraged buy-out transactions.

The attorneys have experience in loan workouts, mortgages, and foreclosures, public finance, state and municipal bonds and financing and venture capital.

The banking and financial transactions lawyers are able, as the need arises, to draw upon the expertise of the lawyers in other areas of practice, including real estate and construction law, bankruptcy, business law, wealth management, asset protection and oil and gas.

Business Entities

The firm is comprised of experienced attorneys who work in the areas of corporate law and business transactions. Whether your business has one employee or many, the firm's lawyers are here to guide you through every aspect of owning, operating, managing or contracting with a business or corporation. The firm's clients include large corporations and local businesses. The firm represents numerous businesses and professions.

The firm represents clients regarding:

- **Entity and Structure:** selection and structure of appropriate entity: incorporation, partnership, limited liability partnership, limited liability company, or not for profit formation for new and existing businesses. [Erwin Davenport](#), [Todd Davenport](#), [Barbara Gibson](#)
- **Mergers, Acquisitions and Divestitures:** representation of both buyers and sellers of large and small businesses of all types. [Todd Davenport](#)
- **Strategic Planning:** identify the problem and possible solutions; analysis and advocacy; entity analysis; litigation vs. negotiation. [Erwin Davenport](#), [Todd Davenport](#)
- **Disputes, Business Divorce and Marriage:** negotiating entry into and exit from relationships in professional practices and other businesses. [Matt Anderson](#), [Todd Davenport](#), [Jennifer Murphy](#)
- **Lender Institutions and Financial Documents:** representation of banks and borrowers, negotiation, preparation and review of loan documents, and other dealings with lenders. [Todd Davenport](#)
- **Commercial Transactions:** structure, negotiation, preparation, and review of commercial documents required for commercial transactions. [Todd Davenport](#)
- **Intellectual Assets:** identify and assist in protecting and securing intellectual assets with regard to employees, clients and customers and intellectual property assets; manage legal issues. [Todd Davenport](#)
- **License Agreements:** prepare technology transfer agreements, analyze and revise software licenses, click / shrink wrap licenses, and prepare other intellectual property / technology licenses. [Todd Davenport](#)

- **Intellectual Property:** provide counsel on protection of trade/service marks; copyrights; websites domains and content; trade secrets and other forms of intellectual property. [Todd Davenport](#)
- **White Collar Crimes:** including embezzlement, perjury, fraud, money laundering, larceny, wire fraud, mail fraud, bankruptcy fraud, theft, forgery, credit card fraud, extortion, internet theft, computer crimes, including computer hacking, computer theft, and computer fraud. [Matt Anderson](#), [Jennifer Murphy](#)
- **Commercial / Business Litigation:** services in matters involving contracts, notes, guaranties, security agreements and other loan documents, actions involving fraud and misrepresentation, tortious interference with contracts and interference with economic prospective advantage, avoidance of fraudulent conveyances and preferential transfers of assets, debt collection loan workouts and other debt restructuring, real property commercial and residential foreclosures, U.C.C. Article 9 foreclosures, actions to recover assets from fiduciaries and third parties and other commercial controversies. [Matt Anderson](#), [Todd Davenport](#), [Jennifer Murphy](#)
- **Corporate Litigation:** services in matters involving director, stockholder, and partner disputes, the enforcement of federal and state securities acts, derivative suits, claims involving breaches of fiduciary duties, oppression of minority stockholders, usurpation of corporate opportunities and exercise of the business judgment rule [Matt Anderson](#), [Todd Davenport](#), [Jennifer Murphy](#)
- **Creditor Bankruptcy:** services representing both secured and unsecured creditors in bankruptcy proceedings including lift stay and objection to discharge proceedings. [Matt Anderson](#), [Todd Davenport](#), [Jennifer Murphy](#),

Real Estate & Construction

Matt Anderson, Todd Davenport, Barbara Gibson, Jennifer Murphy

The firm performs commercial real estate transactional work for a number of developers, mortgage lenders, title companies, builders, real estate brokers, and private individuals throughout North Central Texas. The lawyers assist with the purchase and sale of real estate, including negotiating and drafting purchase agreements and other documents, ensuring good title, and closings.

The firm's clients include banks, property owners, developers, and mortgage lenders. In the course of representing these clients, the lawyers regularly handle transactions encompassing:

- Commercial leasing
- Condominiums
- Construction litigation
- Lien claims
- Real estate litigation
- Residential leasing
- Sales and acquisitions of real property and equity and debt interests
- Secondary market closings
- Title searches
- Title insurances
- Mortgage originations and other real estate finance vehicles
- Joint ventures and equity funds
- Property development and construction
- Brokerage and management arrangements
- Conservation easements and tax breaks
- Tax-deferred exchanges

The firm helps developers obtain required permits and approvals from the many regulatory bodies which govern property development. The firm's lawyers routinely appear before planning boards, zoning boards of adjustment and other regulatory bodies.

The firm recognizes that property development requires a team of qualified professionals. The firm's lawyers have excellent relationships with numerous real estate professionals including engineers, surveyors, appraisers, brokers, financial analysts, accountants, and mortgage brokers, and they routinely work with these professionals on project development issues.

The Firm also represents borrowers in obtaining construction and permit financing and in conventional and securitized mortgage loan transactions. The firm has excellent relationships with mortgage brokers, financial institutions and other sources of capital and make sure our clients who need project financing are matched with lenders well-suited for their needs.

The firm represents a wide range of participants in the construction industry from suppliers and subcontractors to general contractors and design professionals for both private and public projects. From plan development through bidding and construction the firm attorneys knowledgeably assist their clients in the formulation and interpretation of the contracting documents and, when necessary, actively and forcefully pursue dispute resolution methods in various forums. The firm's lawyers have considerable experience in all areas related to land titles and in zoning, land use and environmental law.

Estate Planning / Trusts & Wills / Probate Administration

Erwin Davenport, Frank Gibson, Barbara Gibson, Todd Davenport

Clients can control the allocation of accumulated assets both before and after death through careful planning for the distribution of property to family members. We deal with the complex network of laws governing gifts, estates and trusts and we use that knowledge to help clients fulfill their short and long-term goals.

- *Simple and Complex Will Creation*
- *Establishment of Revocable, Irrevocable and Charitable Trusts*
- *Structure of Family Limited Partnerships*
- *Estate, Trust and Probate Administration*
- *Business Succession Planning*

For clients interested in maintaining management and control of their estates, protecting family members, ensuring their financial privacy, and obtaining peace of mind, we offer basic estate plans which may include traditional will planning or in appropriate cases revocable living trusts with pour over wills. We also provide planning regarding advanced directives including, powers of attorney for property management, and advance health care directives. The firm also provides advice and planning for the needs of children and grandchildren including gift trusts, generation skipping trusts, and plans to insure future education and support needs.

We are also involved in the structure and preparation of agreements between spouses and those about to marry involving the ownership and management of community and separate property.

For clients interested in minimizing the impact of transfer taxes on their estate, we offer routine estate tax savings and asset protection strategies, such as credit shelter trusts and qualified terminal interest property (QTIP) trusts, and more sophisticated transfer tax savings and asset protection strategies, including the use of family limited partnerships, family limited liability companies, buy-sell agreements, qualified personal residence trusts, irrevocable life insurance trusts, dynasty trusts, defective grantor trusts, and grantor retained annuity trust, among others.

Asset protection planning involves techniques that have the effect of placing assets beyond the reach of unknown future creditors to the extent legally and ethically possible. Legitimate asset protection planning does not involve hiding assets, using secret agreements or making fraudulent transfers. Neither does it involve tax evasion or, necessarily, tax avoidance, although some asset protection plans can be combined with estate and gift tax planning to produce favorable tax results. Asset protection planning combines sophisticated and legitimate business planning and estate planning techniques.

Elder Law is a distinct legal field which concentrates on the legal, financial, social, and health care needs of one specific sector of society: the elderly. It is a law practice that is built on compassion, care, and concern for the older client. As we get older, many of us are faced with difficult and important decisions regarding our healthcare and our financial well-being. The firm's lawyers can help you plan for both the present and the future through the use of wills, trusts, powers of attorney, living wills, and health care directives. The firm's lawyers are experienced dealing with Medicaid and health care planning, guardianships, and other concerns that are unique to the elderly. The firm's lawyers can also assist with nursing home admissions that will cause the least amount of financial burden to the estate.

Charitable Planning. The firm assists clients in fulfilling charitable goals by advising in planned and structured giving programs involving private foundations and charitable trusts including charitable remainder trusts and charitable lead trusts.

The firm handles all aspects of **Probate, Estate, and Trust Administration**. Probate is the legal process by which a person's will is allowed by the Probate Court. Estate administration involves the administration of a decedent's estate either with or without a will. The firm assists clients in proper planning to minimize the cost and complexity of the probate and administration process. The provisions of the will or state law dictate how the individual's debts are paid and assets are distributed upon death. Estate Administration includes the probate process as well as non-probate transfers of the deceased's assets, such as life insurance, annuities, qualified plans, and trust assets and compliance with applicable estate tax requirements. The firm's lawyers counsel and assist the personal representative of the estate in the gathering, valuation, accounting and distribution of the decedent's assets, and in making the myriad of tax and other decisions faced by the personal representative. The lawyers prepare or review federal and state estate and inheritance tax returns as well as the appropriate documents in order to release liens on a decedent's real estate. The firm is available to represent the personal representative in any audit of the decedent's estate tax return. It is the firm's responsibility to assure that all steps are properly taken in order to carry out the decedent's intent in accordance with the law in the most efficient and cost effective manner available.

Trust and Estate Litigation. The firm represents both personal representatives and trustees as well as beneficiaries in all aspects of trust and probate litigation including will contests, will construction, determination of heirship, breach of fiduciary duty, trust and estate accountings, surcharge actions, and trust construction, modification and termination actions. Our lawyers often serve in the role of consulting or testifying experts in probate and trust litigation matters.

Trust Administration. The firm represents individual and corporate trustees and beneficiaries not only in litigation but in the role of counsel. The firm serves as counsel to corporate trustees in matters involving the administration of trusts including opinions on trust matters and the proper administration and distribution of trust assets.

Oil & Gas

Frank Gibson Todd Davenport, Barbara Gibson

The firm counsels oil and gas clients about transactions involving all phases of the petroleum industry, including oil and gas title examination, documentation of acquisitions of producing properties, preparation and review of purchase and sale of agreements, exploration agreements, operating agreements, seismic option agreements, loan documents relating to oil and gas transactions, due diligence in mergers and acquisitions, and conveyances of all type. The lawyers offer legal assistance with matters involving the acquisition, marketing and transportation of natural gas, including representation of clients before various state and federal regulatory agencies. The firm is dedicated to maintaining its reputation in the area of oil and gas law and keeping up-to-date on the latest developments in the field.

Litigation

Matt Anderson, Barbara Gibson, Todd Davenport, Jennifer Murphy

The North Texas and Central Texas litigation attorneys at Gibson Davenport Anderson have the depth of experience, the support of a network of professionals, and the skill at trial necessary to resolve disputes effectively and efficiently on behalf of clients.

In addition to representation at trial, our appellate attorneys are prepared to represent businesses and individuals in all state and federal appellate courts, including cases involving complex matters. Please feel free to contact our Austin or Wichita Falls lawyers with any questions regarding our trial and civil litigation services.

Our Texas litigation attorneys work closely with our transactional law practice groups, always seeking to help our clients resolve disputes definitively and economically. We provide trial and appellate representation in a wide variety of matters, including those involving:

- **Business and Commercial Litigation:** Our Texas business dispute lawyers are prepared to represent businesses in all disputes, always seeking to further our clients' long-term goals in the least disruptive and most economical manner possible.
- **Trust and Estate Litigation:** The firm represents personal representatives, trustees, and beneficiaries in all aspects of trust and probate litigation.
- **Real Estate and Construction Litigation:** Attorneys at GHR&D are prepared to provide forceful and effective support to clients involved in all real estate transactions, construction and land development projects, and title litigation.
- **Creditors' Rights Litigation:** Our lawyers represent creditors in recovering debts through creditors' bankruptcy and collection actions.
- **Banking Litigation:** We represent lenders, depositors, and borrowers in complex state and federal litigation.
- **Oil and Gas Litigation:** Operators, mineral owners, working interests, and royalty owners rely on our active and assertive representation in dispute resolution and administrative agency hearings.

Our transactional and litigation attorneys serve banking and financial institutions, businesses, and individuals in communities including Austin, Wichita Falls, Fort Worth, and throughout Clay County, Archer County, Montague County, Denton County, Wise County, Baylor County, Young County, Travis County, Williamson County and Wilbarger County.

Our Lawyers

Matt Anderson graduated *cum laude* from Texas A&M University in College Station with a B.S. in Economics and then earned his J.D. at the University of Texas School of Law. After graduating from law school, he worked for three years as a prosecutor in the trial bureau of the Harris County District Attorney's Office. He is a member of the State Bar of Texas and the Wichita County Bar Association. He is the current President of the Wichita County Bar Association. Mr. Anderson practices in the area of commercial litigation, construction law and employment law.

Erwin Davenport practices Trust and Estate Law and Tax Law. His practice includes Estate and Wealth Preservation Planning, Trust and Estate Litigation, Charitable Gift Planning, Federal Tax Controversies, Trust and Estate Administration, Tax Exempt Organizations and Business Entities. His clients are Individuals, Families, Businesses, Banks, Public Charities, Private Foundations, and Individual and Corporate Executors and Trustees.

Mr. Davenport received his B.A. *cum laude* from Midwestern State University, his J.D. with honors from Texas Tech School of Law and his LL.M in Taxation from New York University School of Law. While at Texas Tech he was Articles Editor of the Law Review and was elected to the Order of the Coif. Mr. Davenport is a Fellow of the American College of Trust and Estate Counsel and is Board Certified in Estate Planning and Probate Law by the Texas Board of Legal Specialization. He is a past president of the Wichita County Bar Association, past president of the North Texas Estate Planning Council and is a Life Fellow of the Texas Bar Foundation. He is a frequent speaker and writer on various estate planning, probate and tax subjects and is former Course Director of the State Bar of Texas Advanced Drafting Estate Planning and Probate Course.

Todd Davenport graduated *summa cum laude* From Texas Tech University with a B.B.A in Finance as the highest ranking graduate in the college of Business Administration. He received his J.D. with honors from The University of Texas School of Law. He is a member of the State Bar of Texas and the Wichita County Bar Association. His practice focuses on banking, real estate, business and corporate law matters, including the formation of business entities; private offerings of debt and equity securities, asset acquisitions and asset sales; corporate governance and control arrangements, secured and unsecured lending, bank regulatory and operational matters, creditor bankruptcy, and general real estate law. Mr. Davenport's experience includes the preparation of asset purchase agreements and related documents, the preparation of securities purchase agreements and related documents, the preparation of documents related to the formation and operation of various types of business entities, and the preparation of documents related to various types of lending arrangements.

Barbara Gibson graduated *magna cum laude* from Texas Christian University with a B.A. in mathematics and speech communication. She then earned her J.D. from the University of Texas School of Law where she served on the Board of Advocates. Ms. Gibson's practice areas are real estate, wills and probate, and business entities. Ms. Gibson is Board Certified in Residential Real Estate Law by the Texas Board of Legal Specialization.

Frank Gibson graduated from the University of Texas with a B.B.A. in Accounting and received a J.D. from the University of Texas School of Law. Mr. Gibson served as City Attorney for the City of Wichita Falls from 1959 until 1961. He is a past president of the Wichita County Bar Association. His practice areas are Banking, Oil and Gas, Real Estate and Estate Administration.

Jennifer Murphy graduated from Southern Methodist University in 1996 with a B.A. in History. Ms. Murphy received her J.D. from Southern Methodist University Dedman School of Law in 2000. While in law school, she served as Managing Editor of *SMU Law Review* and was inducted into the National Order of Barristers. Upon graduation from law school, Ms. Murphy served as Senior Law Clerk to the Honorable United States District Judge Jerry Buchmeyer and was an associate in three large Dallas firms. Ms. Murphy practices in the area of complex commercial litigation.