



## Lynn W. Hartman

*Member*

### *Contact*

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### **PRACTICE AREAS**

Banking and Finance

Banking Litigation

Bankruptcy and Creditors'  
Rights

Tax Exempt Financing

Real Estate Law

Lynn Hartman has represented financial institutions for more than 30 years after serving as in-house counsel for Firststar Bank (now U.S. Bank) prior to joining Simmons Perrine Moyer Bergman PLC in 1998. While leading the banking and finance practice group, Ms. Hartman advises lenders and borrowers on commercial transactions including secured and unsecured lending, asset-based and real estate lending, project and acquisition financing, letters of credit and mortgage enforceability opinions. She has worked on commercial lending transactions upwards of \$200 million.

In addition, Ms. Hartman helps banking clients navigate compliance requirements with federal and state regulations, as well as handling all aspects of foreclosure actions and negotiating loan default workout agreements.

Ms. Hartman presents regularly on industry and regulatory topics. She has been recognized on many rating sites, including the Best Lawyers® 2015 & 2022 "Lawyer of the Year" list for Cedar Rapids banking and finance law. Ms. Hartman is a former long-standing member of the firm's board of directors.

Additional services provided by Ms. Hartman include:

### **Bankruptcy and Creditors' Rights**

- Complex mortgage foreclosures
- Receiverships
- Agricultural insolvencies
- Commercial business reorganizations and liquidations

### **Tax Exempt Financing**

- Tax-exempt bond transactions including almost \$250 million in bank and borrower transactions

## **Banking Litigation**

- Claims of lender liability
- Trustee mismanagement
- Mortgage fraud
- Unfair debt collection practices

## **Business Transactions and Counseling**

- Represents buyers and sellers of financial institutions
- Provides regulatory and compliance advice to banks and their related holding companies

## **Bar Admissions**

- State of Iowa, 1987

## **Court Admissions**

- US Court of Appeals
  - Eighth Circuit, 1987
- US District Courts
  - Northern & Southern Districts of Iowa, 1987

## **Education**

- University of Iowa College of Law, JD, with distinction, 1987
  - Associate Editor, Iowa Law Review, 1986-1987
  - American Jurisprudence Award in Education Law
- University of Iowa, BA, 1984

## **Representative Experience**

The banking attorneys at Simmons Perrine Moyer Bergman PLC have experience in transactions totaling more than \$400 million annually. Our representative matters provide insight into the types of matters we have previously handled. Below is an abbreviated list.

To view the complete list of our notable banking matters, [click here](#).

### **Notable Banking Transactional Matters**

- \$47 million refinance and cross-collateralization of various borrower obligations,

including participation agreement.

- \$41 million construction and bridge finance to rehabilitate 180,000 sq. ft. mixed use building. Funding includes city bond issues and historical tax credits from the State. We acted as counsel for the Lender.
- \$46 million multi-state real estate credit involving CDE and other economic development lenders and multiple participants.
- Separate issues for \$44.3 million and \$22.5 million Private College Facility Revenue and Refunding Bonds.

#### **Notable Banking Litigation Matters**

- Suit on promissory notes, guarantee and foreclosure of personal property of multiple restaurant franchise locations in Iowa. Matter involved franchise, leasehold and indemnification issues. Negotiated and obtained forbearance agreements with three limited guarantors, thereby reducing the overall obligation by approximately \$250k. Successfully litigated matter and garnered an approximate \$335,000 judgment for client.
- Foreclosure and receiver action for 42-acre multi-building shopping mall complex. Matter involved the review of numerous bank documents, lease agreements and complex easement and joint tenant real estate documents. Successfully negotiated a settlement wherein the borrower surrendered possession of the real estate through a deed-in-lieu foreclosure.
- Four-year title opinion objection dispute involving 34-building, 141-unit condominium development. After a 4-day bench trial, we not only prevailed on our request to reform the deed and clear title, but also convinced the court that the Defendant's actions in defending the quiet title action and bringing an interference claim were frivolous and used for an improper purpose. As a result, the court ordered all of our clients' fees and expenses (in excess of \$145,000) to be paid by Defendant. Defendant appealed the decision to the Court of Appeals of Iowa and the Appeals Court affirmed the quiet title decision. Further, the higher court found that the district court did not abuse its discretion in assessing sanctions and remanded back to the lower court to determine if the amount of the award is appropriate.

#### **Notable Banking Regulatory Matters**

- Advised client on recent changes under the Dodd-Frank Act to the Real Estate Settlement Procedures Act ("RESPA") and implemented by the Consumer Financial Protection Bureau ("CFPB") in 2014. Developed recommended procedures to minimize liability risk under RESPA and the Truth-in-Lending Act.

- Review of an agreement with bank's central routing unit (CRU) which would govern all transactions for its automated teller machines ("ATM") and point-of-sale ("POS") transactions conducted by the bank at an estimated amount of \$337 million annually. The review identified key changes to the agreements in order to limit the bank's exposure under the agreements and to protect the bank's interests in its ongoing relationship with the CRU. Further assisted the bank in negotiating many of the above changes to the agreements with CRU's counsel.
- Negotiated with bank and representative of the interbank network Shazam to document a seven-year \$2.3 billion contract.
- Review of a bank's Automated Clearing House ("ACH") transaction agreements to ensure compliance under the rules and regulations issued by the FFIEC and NACHA. These agreements are in place to govern the bank's handling of electronic credit and debit transactions (i.e. ACH transactions). Furthermore, our law firm's review provided comments and edits to these agreements to limit the bank's exposure from claims brought under common law, the Uniform Commercial Code, and other related statutes.

## Honors & Awards

### Professional Honors

- Included in the Best Lawyers in America® list for Cedar Rapids, 2021
  - Banking and Finance Law
  - Commercial Finance Law
  - Financial Services Regulation Law
  - Mortgage Banking Foreclosure Law
- Included in the Best Lawyers® "Lawyer of the Year" list for Cedar Rapids, 2015 & 2022
  - Banking and Finance Law
- AV Rating by Martindale-Hubbell®
  - "Lynn is a very capable lawyer who has significant experience with bank litigation."  
-- Martindale-Hubbell®
- Included in Great Plains Super Lawyers list, 2014-2021
  - Banking

### Community Honors

- Recipient of Women's Equality Day, Woman of the Year Award
- Leadership For Five Seasons Graduate

## Professional & Community Affiliations

### Professional Memberships

- Iowa State Bar Association
  - Business Law Section
  - Commercial & Bankruptcy Law Section
  - Corporate Counsel Law Section
- Linn County Bar Association
- USLAW NETWORK, Inc.
  - Vice Chair, Banking and Finance Practice Group
  - Past Secretary, Banking and Finance Practice Group
- Dean Mason Ladd American Inn of Court
  - Past Treasurer

### Community Involvement

- Kids First Law Center, Board of Directors
- United Way of East Central Iowa, Campaign Cabinet
- Corridor Women Connect, Member

### ***Former Involvement:***

- United Way of East Central Iowa, Executive Board Member and Board of Directors
- Professional Women's Network, Board of Directors and Secretary
- Junior League of Cedar Rapids, Member and Legal Counsel
- Waypoint n/k/a YWCA of Cedar Rapids and Linn County, Board of Directors Member and President

## Presentations

*View our archived presentation library!*

### **2021 Presentation**

- Minimizing Risks of Problematic Ag Loans, Iowa Bankers Association Peer Group, 5/6/2021

## **2020 Presentations**

- Special Considerations when Lending to Ag Trusts, 11/12/2020
- Commercial, Ag and Business Collections in Turbulent Times, 5/20/2020

## **2019 Presentation**

- The Next Economic Downturn: Are You Prepared? 8/28/19

## **2018 Presentations**

- Minimizing Risk of Problem Agriculture Loans, Iowa Bankers Association Peer Group, 11/16/18
- USLAW Network Banking and Financial Services In-House Counsel Forum: The New CFP Fiduciary Standard and the Implications for Wealth Management Operations, 10/3/18
- Minimizing Risks of Problematic Ag Loans, webinar, 9/13/18
- Iowa Agriculture Mortgage Foreclosures and Related Issue, webinar, 7/24/18

## **2017 Presentations**

- Ethical Issues Facing In-House Counsel, ACC Fall Symposium, 10/6/17
- USLAW Network Banking and Financial Services In-House Counsel Forum: Ethics Panel, 10/4/17
- Iowa Ag Mortgage Foreclosures and Related Issues, webinar, 8/10/17

## **2016 Presentations**

- Banking Case Law Update, webinar, 12/6/16
- Minimizing Risk on Problematic Ag Loans, RMA Lunch & Learn, 10/11/2016
- Capital Financing Options for Hospitals, Iowa Hospital Association, webinar, 5/19/16
- Historic Tax Credits: A Guide for Lenders, webinar, 3/22/16

## **2015 Presentations**

- Minimizing Risk on Problematic Ag Loans, webinar, 11/3/15
- Lender Liability - Part I, webinar, 5/20/15

## **2014 Presentations**

- New Rules for Consumer Mortgage Loan Servicing/Loss Mitigation, webinar,

7/31/14

- Revised Article 9 Update, USLAW Network, 5/6/14
- Title Insurance for Iowa Lenders, webinar, 3/18/14

## News & Events

### 2021

- Eleven SPMB Attorneys Named “Lawyer of the Year” by Best Lawyers® 2022, 08/19/2021
- Ag Lending Update: Revocable Trusts and Perfecting Security Interests, 2/26/21

### 2020

- Lynn Hartman Joins United Way Campaign Cabinet, 12/02/2020
- Best Lawyers In America Recognizes 37 SPMB Attorneys, 08/20/2020
- 2020 Great Plains Super Lawyers Announced, 07/31/2020
- Lynn Hartman Appointed Chair for Kids First, 03/02/2020