



Cheryl

Cheryl A. Kelly
Partner

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St. Louis
D - (314) 552-6167

MY SERVICES

Financial Restructuring & Bankruptcy
Financial Services
Real Estate

EDUCATION

Saint Louis University School of Law, J.D., *cum laude*
Saint Louis University Public Law Journal
Order of the Woolsack
Saint Louis University, B.S., P.T., *magna cum laude*

ADMISSIONS

Illinois
Missouri
U.S. District Court Northern District Illinois
U.S. District Court Southern District Illinois
U.S. District Court Eastern District Missouri
U.S. District Court Western District Missouri
U.S. Bankruptcy Court Northern District Illinois
U.S. Bankruptcy Court Southern District Illinois
U.S. Bankruptcy Court Eastern District Missouri
U.S. Bankruptcy Court Western District Missouri
U.S. Court of Appeals 8th Circuit
U.S. Bankruptcy Court Delaware
U.S. Bankruptcy Court Southern District Indiana
U.S. District Court Western District Kentucky
U.S. Bankruptcy Court Northern District Ohio

overview

Cheryl Kelly represents lenders and obligors in navigating complex financings from inception through enforcement. Her practice includes assisting clients with construction lending and other financing transactions, restructurings, workouts, foreclosures, receiverships, assignments for the benefit of creditors, bankruptcies, claim and lien disputes and other proceedings involving creditor-debtor relations.

She additionally represents sellers and buyers in asset transfers (including sales and purchases of loans and real estate and transfers in lieu of foreclosure), and landlords, tenants and others in a variety of real estate-related matters (including enforcement of leases). She also handles numerous other commercial law matters.

Cheryl is a fellow of the American College of Real Estate Attorneys and the American College of Mortgage Attorneys. She is a Lawdragon Leading 500 Real Estate Lawyer and identified as a Thought Leader in Who's Who Legal: Real Estate. She is listed in The Best Lawyers in America® (for both Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law and Real Estate Law) and in Missouri & Kansas Super Lawyers (by Thomson Reuters) and has regularly been listed as a Missouri & Kansas Super Lawyers "Top 50 Woman Attorney."

Cheryl is a member of Thompson Coburn's opinion committee and its task force on the Corporate Transparency Act. Her practice includes providing legal opinions, particularly in financing matters.

affiliations

Professional

- Fellow, American College of Real Estate Lawyers
- Member, Finance and Programs Committees
- Served on Board of Governors and Nominating and Member Selection Committees; Past Chair of the Bankruptcy Committee
- Fellow, American College of Mortgage Attorneys
- Regent (Board Member), Regional Chair (Missouri) and Member of Strategic Planning Committee; served on Nominating and Member Selection Committees; Former Chair of the Bankruptcy Committee
- American Bar Association, Business Law, Real Property, Trust and Estate Law, and Litigation Sections
- Real Property Editor for eReport (the RPTE Section's On-Line Journal); Member of RPTE Section's Government Submissions Committee; served on Council for six years; served as Chair of the Real Estate Finance Group of Committees;

served as Chair of RPTE Section's Workout, Foreclosure and Bankruptcy and Mortgage Lending Committees; served as Vice Chair of the RPTE Section's Opinions Committee and served on Planning and Communications Committees; Editor of the RPTE Section's Manual on Foreclosure and Related Remedies in the 50 States, Appointed Advisor by RPTE Section to the Committee established by the National Conference of Commissioners on Uniform State Laws to create a Uniform Manufactured Housing Act

- Liaison for American Bar Association, Real Property, Trust & Estate Section to Uniform Law Commission Committee Developing a Uniform Manufactured Housing Law
- American Agricultural Law Association
- American Bankruptcy Institute
- American Law Institute Real Estate Advisory Panel
- Commercial Real Estate Women
- Illinois State Bar Association
- International Council of Shopping Centers
- International Women's Insolvency & Restructuring Confederation
- Missouri Bankers Association
- Observer, Committee established by the National Conference of Commissioners on Uniform State Laws to create a Uniform Receivership Law for Commercial Real Estate and to create a Uniform Assignment for Benefit of Creditors Law
- St. Louis AgriBusiness Club
- The Bar Association of Metropolitan St. Louis
- The Missouri Bar
 - Commercial Law and Real Estate Committees
 - Commercial Law Section Receivership Subcommittee
- The Risk Management Association
 - Board member
- Turnaround Management Association
- Urban Land Institute
 - Served on WLI (Women's Leadership Initiative) 2021 Programming/Speaker Planning Committee
- Women in Agribusiness

Community

- Legal Services of Eastern Missouri, Volunteer Lawyer, Vacancy Initiative Program
- The Crime Victim Advocacy Center of St. Louis
 - Board Member
- CASA of St. Louis
 - Served as Court Appointed Special Advocate

recognitions

- Listed, 500 Leading Global Real Estate Lawyers (by Lawdragon Inc.)

- Listed in Thought Leaders USA Guide for Real Estate (by Who's Who Legal)
- Fellow, American College of Mortgage Attorneys
- Fellow, American College of Real Estate Lawyers
- Listed in The Best Lawyers in America (by BL Rankings)
 - Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law
 - Real Estate Law
- Listed in Missouri & Kansas Super Lawyers (by Thomson Reuters)
 - Regularly listed among Top 50 Women Attorneys in Missouri & Kansas
- Recipient of Missouri Lawyers Women's Justice Award, 2011 Business Practitioner Category

representative publications

- **Real Property Articles Editor**, American Bar Association Real Property, Trust and Estate Law Section's online journal and predecessor publication, 1999-present
- **Editor**, American Bar Association *Real Property, Trust and Estate Law Section's Manual on Foreclosure Law & Related Remedies in the 50 States* (Second Edition published in 2009-10)
- **Editor**, *Missouri Bar Deskbook Chapter on Foreclosure*, 2019
- **Editor**, *Missouri Chapter of the American College of Mortgage Attorneys Mortgage Law Summary*, 2019
- **Editor**, *Courts and CLE Bulletin of The Missouri Bar (E.D. Mo. Appellate Commercial Cases)*, 1996-2006
- **Contributor to Article (form escrow agreement), "Mortgage Workouts: Deeds in Escrow"**
Real Property, Probate & Trust Journal, Summer 2006
- **Author, "Bankruptcy Reform Act provisions of interest to real estate practitioners"**
New Mexico Bar Seminar, December 1, 2006
- **Co-Author and Panelist, "Missouri Foreclosure and Repossession"**
NBI Seminar, St. Louis, MO, June 15, 1993
- **Co-Presenter and Author, "Summary of the Key Changes to the Bankruptcy Code Resulting From Passage of the Bankruptcy Reform Act of 1994"**
December 9, 1994
- **Co-Author, "Representing the Unsecured Creditor in the Shadow and Darkness of Bankruptcy"**
The Journal for the Bar Association of Metropolitan St. Louis, Spring 1995
- **Co-Author, "The Bankruptcy Reform Act of 1994"**
The Missouri Business Law Quarterly, Winter 1995

List of written work is representative and not exhaustive.

representative presentations

- **Speaker and author, "Maintaining Boundaries in Opinion Practice"**
University of Texas at Austin Annual Renewable Energy Conference (by invitation with Marilyn Maloney), January 28, 2020
- **Panelist and author, "Basics of Opinion Practice"**
American Bar Association Real Property, Trust and Estate Law Section Webinar, October 10, 2019

- **Panelist and author, "UCC Opinions"**
American College of Mortgage Attorneys Annual Meeting, Monterey, CA, September 2019
- **Panelist and author, "The Big Bang: When Energy Law and Bankruptcy Law Collide" (with focus on Section 365 and certain other provisions of the Bankruptcy Code)**
Thompson Coburn LLP, Webinar, July 29, 2019
- **Panelist and author, "Basics of Opinion Practice"**
American Bar Association Real Property, Trust and Estate Law Section National Spring CLE Conference, Boston, MA, May 2019
- **Panelist and author, "Recent Developments in Chapter 11" (with a focus on developments relating to cannabis)**
Missouri Bankruptcy Institute, March 2019
- **Panelist and author, "Retail Bankruptcy Strategic Options"**
American College of Mortgage Attorneys 2018 Annual Meeting, Tucson, AZ, October 12, 2018
- **Moderator and program planner, "Construction Lending"**
The Risk Management Association, May 31, 2018
- **Panelist and author, "Legal Opinions - How They Help Make the Deal Happen"**
American Bar Association Real Property, Trust & Estate Law Section, Webinar, May 16, 2018
- **Panelist and author, "Building a National Consensus: The Statement of Opinion Practices and What It Means to the Real Estate Lawyer"**
American Bar Association Section of Real Property, Trust and Estate Law Spring Symposia, Denver, CO, April 20, 2017
- **Panelist and author, "'Tis Better to Give It To A Real Estate Receiver: The Uniform Commercial Real Estate Receivership Act"**
ABA Business Law Section Spring Meeting, New Orleans, LA, April 2017
- **Panelist and author, "The New Missouri Commercial Receivership Act"**
Missouri Bankers Association Bank Legal Issues Conference, October 2016
- **Panelist and author, "Current Bankruptcy-Related Issues of Interest to Mortgage Lenders, Brokers and Servicers"**
American College of Mortgage Attorneys Fall Meeting, Newport Beach, CA, September 2016
- **Panelist and author, "Seven Things You Should Know About the New Missouri Commercial Receivership Act"**
Thompson Coburn LLP, Webinar, June 14, 2016
- **Speaker and author, "Trends in Commercial Loan Documentation"**
The Risk Management Association, May 5, 2016
- **Panelist and author, "Bankruptcy and Alternatives to Bankruptcy"**
Presentation to Thompson Coburn attorneys, February 2015
- **Panelist and author, "Hot Topics in Lending - Recent Court Decisions and Regulatory Changes"**
The Risk Management Association, 2015
- **Panelist and author, "Alternatives to Bankruptcy, Focusing on Mortgage Loan Workouts"**
Presentation to Thompson Coburn attorneys, October 2014
- **Panelist and author, "Caveat Carveouts: Lessons in the Structure, Enforcement and Negotiation of Non-Recourse Carveout Guaranties"**
Fall Meeting American College of Mortgage Attorneys, September 20, 2014
- **Panelist and author, "Bankruptcy 101"**
Thompson Coburn, LLP, Webinar, August 2014

- **Panelist and author, "Overview of Commercial Lending, Guaranties, and Recent Defenses"**
Client Presentation, January 15, 2014
- **Panelist and author, "Third Party Legal Opinions"**
Presentation to Thompson Coburn attorneys, August 2013
- **Panelist and author, "Commercial Real Estate Defaults, Workouts, and Reorganizations"**
American Law Institute, Washington, D.C., June 4-6, 2013
- **Panelist and author, "Dealing with the Desperate Debtor - Emerging Theories of Lender Liability"**
The Risk Management Association, January 2012
- **Speaker and author, "Recent Developments in Creditors' Rights Issues Relevant to Real Estate Attorneys"**
Bar Association of Metropolitan St. Louis, June 2012
- **Moderator and program planner, "The Changing Face of Real Estate Acquisitions"**
American College of Real Estate Lawyers Spring Meeting, Tucson, AZ, March 2011
- **Panelist and author, "Acquisition, Bankruptcy and Tax Considerations in Distressed Asset Purchases"**
American Bar Association Annual Meeting, San Francisco, CA, August 8, 2010
- **Speaker and author, "Commercial Loan Workouts"**
Practising Law Institute Program, Gleacher Center, University of Chicago, March 26, 2010
- **Program planner, panelist and author, "Dilemmas Dealing with Deposits, Disbursements, Escrows, and Exchange"**
Nationally broadcast joint program sponsored by American College of Real Estate Lawyers, American College of Mortgage Attorneys, and American Bar Association Real Property Section, February 23, 2009
- **Speaker and author, "Commercial Loan Workouts"**
Practising Law Institute Program, Gleacher Center, University of Chicago, November 4, 2008
- **Program planner and moderator, "Bankruptcy Issues of Relevance"**
Nationally broadcast E-CLE sponsored by the American Bar Association Real Property, Trust and Estate Law Section, October 23, 2008
- **Panelist and author, "Tranche Warfare: Waivers of Bankruptcy"**
American College of Real Estate Lawyers Fall Meeting, San Francisco, CA, October 25, 2008
- **Speaker and author, "Alternatives to Bankruptcy"**
Missouri Bankers Association, Columbia, MO, October 23, 2008
- **Panelist and author, "Contingent Guaranties, and Recent Case Law Developments Relating to Section 363 Sales"**
American College of Real Estate Lawyers Webinar, June 19, 2008
- **Panelist and author, "Opinion Issues Arising in an Assumption, Modification or Defeasance"**
American Bar Association, Real Property, Trust and Estate Law Section, Spring Meeting, Washington D.C., April 30, 2008
- **Panelist and author, "Bankruptcy Remote Techniques"**
American College of Real Estate Lawyers, Fall Meeting, Miami, FL, October 27, 2007
- **Speaker and author, "Deeds in Escrow"**
American College of Mortgage Attorneys Fall Meeting, Los Angeles, CA, October 20, 2006
- **Speaker and Author, "Advanced Real Estate Law" (Focus on Finance Transactions)**
NBI Seminar, Sheraton Hotel, St. Louis, MO, May 17, 2006

List of presentations is representative and not exhaustive.