

UNDERWOOD

Agribusiness



21st century agriculture is a multi-faceted, complex industry. Producers and those who finance them require experienced counsel who can bring a multidisciplinary approach to an international industry that feeds and clothes America. Underwood's footprint, which runs from the Texas Panhandle, across the South Plains, and into downtown Fort Worth, uniquely positions Underwood as the region's leading "ag law" firm. From perfecting livestock security interests to navigating the Food Security Act, our lawyers have "been there, done that" when it comes to American production agriculture.

Some specific matters encountered in production agriculture include:

Asset Based & Production Financing

Agricultural operating financing presents unique challenges, requiring an understanding of lien perfection and how state law intersects with federal statutes that impact the movement of farm and food products. Drafting and enforcing loan covenants that address asset based lending is an acquired expertise that Underwood lawyers enjoy from years in this sector.

Cattle Feeding

Large-scale cattle feeding, where a single facility may house over \$30 million worth of livestock involving diverse ownership and financing sources, implicates many disciplines. Producers and lenders in this area demand counsel who understand secured financing, not only of livestock, but real estate, commodities, and commercial paper. Loan values can run from the financing of a "pen" of cattle to syndicated loans that approach a billion dollars (that's a billion with a "B"), secured by collateral of different classifications, located in many states.

Dairies

Underwood's footprint overlaps some of the nation's largest concentrations of commercial dairy operations. Like cattle feeding, dairy operations give rise to complex financing and leasing relationships that evolve from livestock, growing, stored crops and commodities, and even the sale and transport of milk and other dairy products. A practical understanding of co-ops and other ownership structures is a must.

Energy Issues

Rural landowners face the mixed blessing of dealing with energy production on and near their property. Today's issues deal not only with oil & gas production and related surface issues, but also wind energy and other alternative energy production requiring open space and surface use. Not only has Underwood long been a leader in oil & gas law, but Underwood lawyers have devoted years to the unique relationship encountered in wind and alternative energy throughout the region.

Estate Planning

The “family farm” still exists. Farming and ranching families need experienced help in asset preservation and estate planning. Estate taxes loom for the unprepared, and even the smallest farming operation involves financial and operational risk that can be minimized with proper planning.

Farm Credit Act and Other Federal Statutes

Many federal statutes implicate farming operations and ag lending. These include, for example the Farm Credit Act, which governs Farm Credit System associations, the Food Security Act (impacting the sale of “farm products” and affected secured lenders), and the Perishable Agricultural Commodities Act (“PACA”), among others. Underwood’s ag lawyers bring decades of experience in these and other state and federal laws.

Real Estate

Farms, ranches, and agribusiness facilities present unique issues no less complex than their urban neighbors. Ownership, title issues, survey and boundary issues, and environmental issues can impact any facility loan or land sale.