



Commercial & Real Estate Finance

Foster Pepper's Commercial & Real Estate Finance group advises lenders, borrowers, servicers, trustees and others in connection with structuring, negotiating, documenting and finalizing a broad array of commercial and real estate financing transactions. We represent financial institutions, private equity investors, real estate developers and other clients who require the sound legal counsel necessary to achieve their financing and business objectives. Our work representing borrowers and lenders positions our team at the cutting edge of market trends and allows us to efficiently and effectively facilitate financing transactions and handle disputes.

A number of the attorneys in Foster Pepper's Commercial & Real Estate Finance group are recognized by *Chambers USA* and *U.S. News-Best Lawyers* as leading practitioners for their work in these areas: Banking and Finance Law and Litigation; Bankruptcy and Creditor Debtor Rights Law and Litigation; Financial Services Regulation Law and Litigation; Real Estate Law; and, Securitization and Structured Finance Law. We apply this deep interdisciplinary experience to advise lenders and borrowers with respect to the full spectrum of finance and commercial lending transactions, including acquisition financing, real estate finance, asset-based lending documentation, structured finance, letters of credit, leveraged leases, loan restructures and workouts, project construction financing, repurchase agreements, security agreements, foreclosure and more.

AREAS OF FOCUS

Commercial Lending

Foster Pepper represents lenders and borrowers in connection with a vast range of commercial lending transactions. We have successfully completed thousands of commercial lending transactions with nearly every type of real and personal property as collateral. Members of our team regularly represent clients with respect to structuring, negotiating and documenting sophisticated commercial lending transactions such as real estate and asset-based loans, multi-lender syndicated loans, mezzanine lending, specialty finance, syndicated loans, letters of credit, as well as workouts, restructurings and distressed debt.

Loan Documentation

We have extensive experience across virtually all types of loan documentation. Our work in this area includes, but is not limited to, the following:

- Deeds of trust, mortgages and security documents
- Collateral documents
- Credit agreements
- Intercreditor agreements
- Interest rate caps and swap agreements
- Letters of credit
- Purchase and sale agreements
- Subordination agreements

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Real Estate Finance

Foster Pepper's Commercial & Real Estate Finance team offers clients broad and deep experience to address virtually all financing needs and opportunities in both up and down cycles of the market. We represent a variety of lenders and borrowers in the full scope of debt and debt-related matters, including mezzanine financings and refinancings, construction loans, CMBS loans, loan extensions, workouts, deed-in-lieu transactions, bankruptcy and related litigation. We also assist clients with distressed real estate transactions. Our team's extensive experience includes:

- Acquisition, construction and mortgage financing for all property types
- Acquisitions and sales of performing and non-performing loans
- FNMA and FHLMC loans
- Asset-based loans
- Commercial paper transactions
- Credit facilities
- Loan portfolio transactions
- Mezzanine and other subordinated debt financing
- Participated, syndicated and securitized debt
- Project finance
- Resort, hotel and hospitality development financing
- Revolving credit facilities
- Term loans
- Workouts and enforcement actions

Equipment Finance and Leasing

Our team is highly experienced with equipment finance and leasing transactions and works diligently to help our clients benefit from the business, financial and tax advantages these transactions often bring. We represent lessors, lessees, lenders and borrowers in connection with a variety of equipment finance and leasing transactions, such as:

- Acquisitions and sales of portfolios
- Asset-backed transactions
- Broker and vendor agreements
- Equipment loans
- Facility leases
- Lease financing

- Lease securitizations
- Leasebacks
- Lender financing and other lines of credit
- Operating leases
- Restructurings
- Single investor and leveraged leases
- Syndicated loans
- True leases

Restructurings, Workouts, Insolvency and Foreclosures

We represent lenders and borrowers in loan restructuring, workouts, receiverships, bankruptcies, distressed real estate transactions, liquidations and foreclosures. Our team offers substantial experience with secured and unsecured credit facilities involving real and/or personal property, discount payoff agreements, forbearance agreements, loan restructuring, judicial and non-judicial foreclosures, loan sales, receivership and bankruptcy. When our clients involve us at the inception of the transaction, we are well-positioned to build maximum safeguards into the loan documentation. We employ a creative and efficient approach in resolving workout situations to avoid litigation, if possible.