Foster Garvey

# Commercial & Real Estate Finance

## Complete financing *solutions* for lenders and borrowers

Our main objective is to help our clients achieve their business and financial objectives efficiently and effectively. To that end, we deliver strategic legal counsel so you can navigate the complexities of financing transactions with ease.

Financial institutions, private equity investors and real estate developers frequently turn to us for practical advice and guidance in a wide range of financing matters. We advise lenders, borrowers, servicers, trustees and a range of stakeholders, ensuring their transactions are structured, negotiated and finalized with precision. Our experience representing both lenders and borrowers gives us deeper insights into market trends, allowing us to deliver innovative and results-driven solutions.

Several of our attorneys are recognized by Chambers USA and Best Lawyers as leading practitioners in their fields. We apply this deep interdisciplinary experience when providing counsel to lenders and borrowers on 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 and foreclosure.

### Commercial Lending

Our team has 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 in 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:

- Deeds of trust, mortgages and security documents
- Collateral documents
- Credit agreements
- Intercreditor agreements

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- Interest rate caps and swap agreements
- Letters of credit
- Purchase and sale agreements
- Subordination agreements

## Real Estate Finance

Our team offers clients well-rounded 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 & 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

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- 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 & 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, whenever possible.

## Contacts

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