Foster Garvey

Fund Formation, Compliance & Syndications

We help navigate the legal, tax and regulatory complexities of investment fund and syndication formation and compliance so you can minimize risk and *maximize potential*

Fund sponsors and managers regularly rely on our guidance for every stage of the fund life cycle - from initial entity selection, entity creation, syndication and launch, operations and compliance, to fund wind-down and asset liquidation. We also represent high-net-worth investors in a wide range of fund investment activities.

By partnering with us, you'll gain access to experienced legal advisors focused on real estate, business, corporate finance, tax, benefits and securities law. Our attorneys have significant experience working with funds and syndications that invest in diverse asset classes, including real estate, hospitality and goods and services.

We provide clients with a full spectrum of services related to fund formation, syndication, management and compliance, including:

- Entity formation
- Offering documentation, such as private placement memorandums (PPMs), subscription agreements, operating agreements and limited partnership agreements
- Legal aspects of capital raising, including negotiating and documenting construction loans and permanent financing
- Tax matters such as choice of entity; tax planning; federal, state and local taxation; tax controversy/disputes; formation, operation and investment in Qualified Opportunity Zone Funds and Businesses; IRC Section 1031 exchanges; taxation of condemnation, casualties and other involuntary conversions under IRC Section 1033; transfer and excise taxes; property taxes; taxation of sale transactions; tax-exempt entities; and taxation on liquidation
- Asset acquisition due diligence
- Securities law compliance
- Review of marketing materials for prospective investors
- Fund operations and management
- Ongoing legal aspects of owning and operating real estate or other asset classes
- Ongoing fund regulatory compliance and support, including Employee Retirement Income Security Act (ERISA) matters
- Reorganization of management companies and funds

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- Portfolio transactions, including asset acquisitions and dispositions, engagement and disengagement of property managers and advisors
- Wind up and liquidation
- Retirement plan and IRA investments, including dealing with the complex prohibited transactions, unrelated business taxable income and unrelated debt-financed income rules and defending clients against IRS and Department of Labor challenges to their plan or IRA asset investments

Contact

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