

Services & Industries

Asset-Based Lending & Securitization

We regularly assist lenders and borrowers in structuring, collateralizing, documenting and closing asset-based loans and originating loans for pooled and single-asset term securitization transactions. These include commercial mortgage-backed securitizations of hotels, office buildings and multi-family assets, as well as non-real estate assets.

The firm's experienced attorneys advise lenders with respect to complex, corporate, fund and partnership structures of borrowers and their affiliates and often assist the lenders in determining the best loan structure to minimize the adverse impact of bankruptcy and fraudulent transfer laws on the lender's ability to obtain the benefit of its collateral. Advice and formulation of structures are also developed for borrowers to enhance the borrower's ability to obtain cost effective and efficient financing. Representations and warranties, covenants, environmental guaranties, and non-recourse carve out guaranties are tailored to the particulars of the borrower, the borrower's business, its applicable assets and its financial statements. Third-party agreements including intercreditor agreements, subordination agreements and lessor estoppels are regularly negotiated and obtained on a client-favorable basis.

We also have experience with security interests in a range of collateral, including: UCC Article 9 security interests in equipment, inventory, accounts receivable and general intangibles; motor vehicle, aircraft and marine vessel liens; credit card receivables; pledged deposit accounts and securities; lock box arrangements; and real estate mortgages.

Our attorneys who practice in the asset-based lending & securitization arena also have access to experienced attorneys readily available within the firm who practice in a variety of legal areas that require careful consideration in these transactions, such as bankruptcy, local, state and federal taxation, corporate and business organizations, securities, environmental and healthcare.

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