

# Commercial and Real Estate Lending

With a sophisticated nationwide real estate financing practice, Krieg DeVault excels at complex secured, syndicated, asset-based, and tax-exempt transactions. Our lending clients range from large national banks and institutional investors to rapidly growing regional banks, and our work with borrowers encompasses a full spectrum of developers and property investors. Members of our team have been commercial bankers and CPAs, so we fully understand the financial nuances of structuring and documenting the deal. Both lenders and borrowers value our advice on resolving loan problems, including defaults, workouts, repossession, foreclosure, and receivership. We know that borrowers and lenders both want cost efficiency in their real estate lending transactions, so we have developed standardized loan structures and documentation that meet market needs. And because we handle all types of loan transactions and lending relationships, we can offer valuable transactional guidance that helps any deal close successfully.

## **Focus Areas**

### **Real Estate Secured Financings**

- Owner occupied financing
- Income properties financing
- Multi-state property locations financings
- Due diligence regarding real estate collateral (including title insurance, survey, environmental site assessment and FEMA special flood hazard area reviews)
- Construction financing
- Residential and commercial real estate development financings
- Structuring of "special purpose entity" provisions
- New Markets Tax Credit financings
- Low Income Housing Tax Credit financings

### **Tax Exempt Financings**

### **Commercial and Asset-Based Financings**

- Cash flow loan transactions
- Working capital facilities
- Leveraged acquisition financings
- Mezzanine and second lien loans
- Vendor financing
- Equipment leasing
- Letters of credit and reimbursement agreements
- Warehouse credit facilities
- Aircraft financings
- Agribusiness loan transactions
- Employee stock ownership leveraged loans

### **Lender Due Diligence**

- Uniform Commercial Code searches
- Bankruptcy and judgment lien searches
- Life insurance assignment verifications
- Collateral lien perfection and enforcements
- Issuance of non-consolidation opinions

### **Workouts and Restructuring**

- Collateral and credit file reviews
- Preparation of forbearance agreements
- Restructurings of credit and collateral terms
- Pre and post bankruptcy collections and foreclosures
- Deed in lieu of foreclosure transactions

### **Tenancy in Common Financings**

- Review of proper formation of co-borrowers comprised of multiple tenants-in-common owners
- Preparation of requirements of co-ownership agreement
- Coordination between lender requirements and borrower requirements for compliance with Tax-Free Like-Kind Exchange under Section 1031 of the Internal Revenue Code.

### **Syndicated Loan and Participated Loan Financings**

- Representation of administrative agents, collateral agents, documentation agents and syndicate lenders
- Preparation or review and analysis of participation agreements and certificates
- Preparation of intercreditor and subordination agreements

### **Borrower and Guarantor Representation**

- Review and negotiation of credit and collateral documents
- Render third party legal opinions as borrower's counsel to lender
- Loan closing coordination and post closing coordination