



Commercial Lending and Leveraged Finance

Interest rate volatility and stricter lending standards have made the current commercial lending process especially difficult to navigate. Now more than ever, commercial lenders and borrowers require creative counseling to accomplish their respective financing and business goals in the short and long term. Our lawyers guide both commercial lenders and borrowers through the intricacies of commercial lending while anticipating the challenges and applying practical solutions to the specific needs of our clients throughout every phase of the financing process.

Our clients include commercial banks, institutional lenders, specialty finance companies, hedge funds, private equity funds, insurance companies and other lenders, along with corporate and noncorporate borrowers in a variety of industries.

Our team has broad experience assisting clients in financing asset classes ranging from trade receivables, operating leases, royalty streams, so-called “back-end” participations, mortgage loans, inventory, insurance policies, equipment and machinery, aircraft, watercraft, development rights, artwork, trademarks and other intellectual property.

The complexity of our clients’ businesses demands creative financing options delivered in a simple and efficient manner. Our team has the commercial lending experience necessary to devise bespoke solutions unique to each of our client’s individual financing needs. We regularly address all aspects of commercial loan transactions including structuring of collateral packages and loan tranches, compliance with loan and security requirements, intercreditor arrangements, priority issues, environmental concerns, preparation of loan agreements, preparation and registration of requisite security documentation and perfection of security interests.

Federman has handled a broad array of commercial lending transaction types, including:

- asset-based and working capital financings
- leveraged acquisition, management buyout and “going private” financings
- equipment financing and leasing, including aircraft and fixed base operations
- accounts receivable and inventory financing
- letters of credit and sureties
- repurchase facilities

- asset securitization transactions
- factoring transactions
- loan restructurings and workouts, including debtor-in-possession financings
- senior secured loans and junior secured loans
- loan participations

In addition, our experience extends to related leveraged financing matters, including:

- derivatives and complex interest rate hedging instruments
- intercreditor and subordination agreements relating to mezzanine loans and subordinated debt
- stand-still agreements and forbearance agreements
- loan participations and syndications
- borrower's opinions
- commercial lending forms review and analysis

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