

CAPABILITIES / BUSINESS & FINANCE

Banking

We represent financial institutions and borrowers in a multitude of credit transactions, with a well-regarded reputation for being efficient, collegial and successful.

OVERVIEW

Obermayer attorneys represent and counsel financial institutions located throughout the Mid-Atlantic region and beyond. For years, we have effectively and efficiently managed a variety of sophisticated financial transactions — from large, multi-faceted financings to small commercial and SBA loans.

Our Value

Banks and other financial institutions turn to our Banking group because of our depth and breadth of pragmatic experience, collegiality and access to other legal specialties at Obermayer. We also stay on top of emerging issues in the industry in an era of political uncertainty; for example:

- The eradication of London Interbank Offered Rate (LIBOR), an interest rate index that many financial institutions have used, which is being replaced as of 2022. We advise our clients about the concerns that this shift raises, such as what and how will banks use another index and how is that going to affect existing loans and new loans.
- Tax reform is another issue that has had a big effect on the rates being offered. It has raised concerns along with potential changes to the Dodd-Frank Act.

We strive to spot and solve unanticipated problems that arise during a deal. With real estate-related loans, for example, there are often environmental issues, corporate or tax issues, or an appraisal that comes in late and at a problematical value. Our approach is to address any issue, keep the deal moving forward, and close.

Our Clients

Our Banking group represents a broad range of clients – comprising both lenders and borrowers – in transactions ranging from smaller deals to large and sophisticated deals. Regardless of the size or complexity of the transaction, we handle whatever issues arise. Moreover, we build relationships with our clients, making connections so that they feel comfortable talking to us about any issues or concerns.

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Our Focus

As attorneys representing financial institutions in often complex, high-stakes transactions, there are several deal structure issues that we consider with the client. For example:

- How do we properly collateralize a loan?
- How do we properly structure the loan?
- Do we have the right entities in as guarantor and as borrowers?

Even though the deal goes through an underwriting process before documentation and traditional 'engagement' of counsel, we often help during that underwriting process. In short, we ask, "What's the best way to structure a deal so that the financial institution gets what it needs?"

On the borrower's side, we also work with the client to creatively solve problems that arise during a deal. So, while the initial structuring of a deal is important, our team understands that we also must focus on solving the problems that can arise during the process and stall, or even kill, a transaction. Our goal is to find solutions so that a deal can move forward in the most positive manner possible.

Awards Won*



*Click here for a description of the standard or methodology on which the awards and honors are based. No aspect of this advertisement is approved by the Supreme Court of New Jersey.

EXPERIENCE

Some examples of our work include:

- Represented a borrower in the acquisition of a retail center in suburban Philadelphia which had numerous lease issues relating to the existing tenants as well as environmental concerns. Working closely with the client, and keeping the lender involved, we assisted in structuring a deal that permitted the closing on the acquisition of the site, financing of that project and related remediation plan, as well as obtaining necessary Department of Environmental Protection

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- approvals.
- Represented a lender in a redevelopment of an existing facility for a single, credit-rated, tenant project. The deal included many levels of consents and agreement between our client, the borrower/developer, and the tenant, as well as ensuring that the borrower obtain all necessary development approvals at various points in the development process. Our attorneys played a pivotal role in pulling all the pieces together to ensure the lender was adequately protected and understood the risks it was taking, as the project was put together and funded.
- Represented a lender in the refinancing of indebtedness to a non-profit. The deal was structured with multiple financings, from a line of credit to a short term note, to a long-term indebtedness. We worked with the lender and the borrower to make sure deal was properly collateralized by mortgages in several counties in the greater Philadelphia region.
- Represented a lender in the extension of a $50 million line of credit for the acquisition of ATM machines. We advised as to the perfection of the collateral and how future advances on the line would be structured as new ATMs became available.
- Represented a lender in a multi-million dollar aggregate financing, requiring more than 15 separate promissory notes, as many of the loans, but not all, were subject to an interest rate hedging transaction.

Additionally, we regularly advise our clients on interest rate hedging transactions and document the loans for many of our lending clients. This is the key to a successful deal: Everyone walks away happy with the end result. We candidly remind the parties of the end game and manage everyone's expectations, not quitting until a deal is made and everyone "wins."

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