

# COMMERCIAL LENDING

Representing lenders and borrowers in making and obtaining commercial loans has always been an exercise in balancing risk while concisely documenting deal terms. The importance of that delicate balance was made apparent in the aftermath of the great recession. Lenders and borrowers alike learned during the myriad of foreclosures and workouts that occurred just how critical properly crafted documents can be in providing a viable path to move forward.

Shutts & Bowen's attorneys have extensive experience representing national, regional, and community lenders, as well as borrowers in a wide range of commercial loan transactions. We oversee all aspects of each loan, including providing advice on the structuring of the transaction, which can be a critical matter on Florida loans given Florida's documentary stamp tax laws, drafting and negotiating all relevant agreements, spearheading due diligence review and analysis, including title, survey, and zoning review, and coordinating the closing of the transaction. We also regularly work on transactions involving properties and borrowers located within and without the State of Florida, and have an extensive network of local counsels that we work with as necessary.

We work on matters of varying complexity, from routine engagements that our attorney and paralegal teams handle efficiently, to highly complicated projects requiring the input and leadership of our senior attorneys. The depth and breadth of our experience and capabilities allows us to manage complicated commercial lending matters, finding solutions to unusual situations in a creative, efficient, and cost-effective manner.

Our work includes mortgage lending on a variety of asset types, including office buildings, retail properties, mixed-use developments, warehouse properties, hotels, entertainment venues, gaming venues, industrial properties, self-storage properties, mobile home parks, gas stations, multifamily housing, seniors housing, and student housing, with transactions range in size from tens of thousands to hundreds of millions of dollars.

The commercial lending transactions we regularly handle include:

- Traditional bank mortgage loans
- Commercial mortgage-backed securities (CMBS) loans and defeasance transactions
- Full-recourse and non-recourse debt
- Asset-based lending
- Middle-market lending
- Large corporate lending, including representation of lead lenders and participant lenders
- Mezzanine lending
- Wholesale and floor-plan financing

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- Multi-creditor/multi-tranche loan transactions
- Working capital facilities
- Insurance company lending
- U.S. Small Business Administration ("SBA") lending
- Boat and airplane loan closings

Our lending lawyers bring a cross-disciplinary focus to the commercial lending deals we handle, regularly partnering with lawyers practicing in the areas of real estate law, land use and environmental law, corporate law, tax law and regulatory banking. We also regularly collaborate with a wide variety of other players in each commercial loan, including consultants, title companies, surveyors, and brokers.

Shutts & Bowen's attorneys, located throughout the state, have the experience within the financial industry to understand the full range of complex legal issues involved in the increasingly regulated commercial lending market, whether we are counsel to a bank in negotiations on a large-scale construction loan or to a credit union lending money to a small business owner. Our attorneys are adept at mitigating risk and are always prepared and constantly aware of the latest trends affecting the commercial lending market.

### Professionals

Brendan Aloysius Barry

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### Related Industries

Real Estate