

Guide to Real Estate Workouts with Key Forms

Presentation for:

Mortgage Lending
Institute

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Speakers:

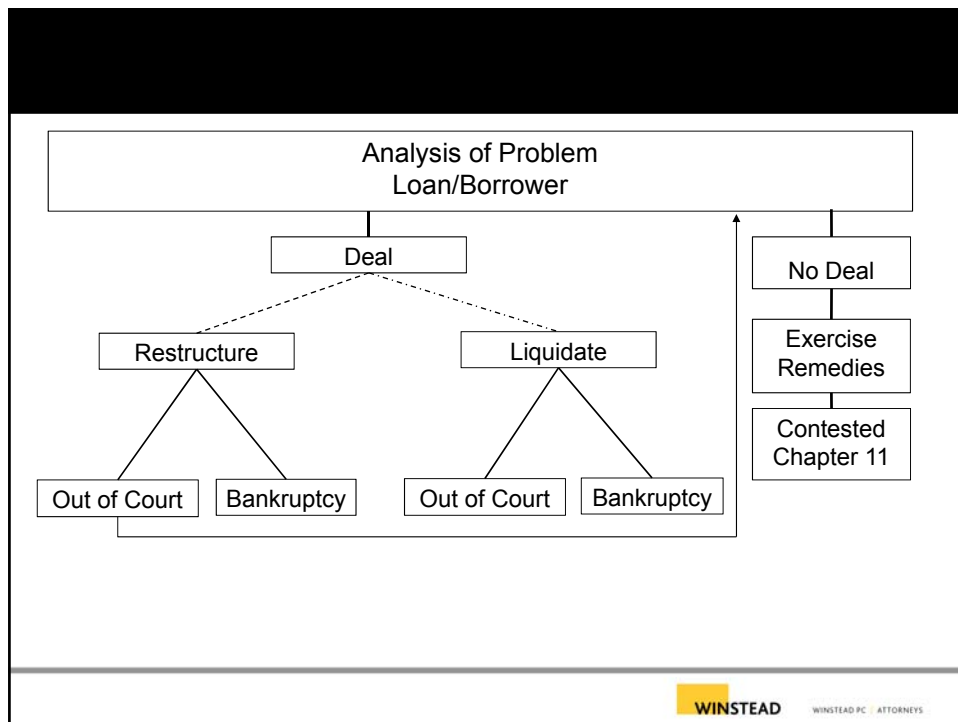
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Workouts in the 2010's What is different this time around?

- Transaction Perspective
 - Players – increased role of equity
 - Structure/Documents
- Litigation Perspective
 - Preferences among available tools
 - Landscape – Court opinions from last two recessions
 - Statutory Changes to Usury Statutes, DTPA, and Property Code (including anti-deficiency statute)
 - SARE





The Process

- Borrower strategy
- Beware of lender liability issues
- Lender liability do's and don'ts
- Understand roles of parties with whom lender is negotiating and potential conflicts between borrower's representatives – more than borrower and guarantor

The Process Getting the Parties Right

- Be cognizant of:
 - Limitations and requirements in:
 - loan participation agreements
 - intercreditor agreements
 - subordination, non-disturbance, and attornment agreements

The Process Getting the Parties Right

- Be cognizant of the status and position of other parties and impact of exercise of lender's collection strategy and remedies upon
 - Tenants
 - Inferior lien holders
 - Equity
 - Superior lien holders
 - Mezzanine lenders
 - Guarantors
 - Substitute Guarantors
 - Loan participants

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Title search: Guide to Real Estate Workouts with Key Forms

Also available as part of the eCourse

[Bankruptcy, Workouts and Restructurings in the Real Estate Sector](#)

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50th Annual William W. Gibson, Jr. Mortgage Lending Institute session
"Workouts and Restructurings"