COMMERCIAL FINANCE

Bell Nunnally has assembled a highly skilled, multidisciplinary team of attorneys with extensive experience in closing complex loans in commercial, asset-based and real estate transactions. Firm attorneys regularly assist clients with deals reaching into the hundreds of millions of dollars, applying conventional as well as creative solutions for raising capital, structuring loans, extending credit, and negotiating deal terms on behalf of both borrowers and lenders.

We regularly represent borrowers, including insurers, entrepreneurs, Fortune 500 companies, and others. Our philosophy and approach rests on being client driven—ever mindful of our clients' ultimate strategic objectives, as well as their immediate bottom-line needs.

Guiding clients every step of the way in these often-complex transactions, we help clients in areas including:

- Accounts receivable, inventory and equipment-secured loan transactions
- Cash flow financings
- Senior and subordinated debt financings
- Securities as collateral
- Acquisitions, dispositions and construction financing
- Participating and convertible loans
- Equity agreements
- Intercreditor agreements, loan syndications, participations and subordinations

- Fannie Mae and Freddie Mac financing, including Delegated Underwriting and Servicing (DUS®) lending
- Secured and unsecured lines and letters of credit
- Mezzanine and subordinate tranche financing
- Sale and purchase of loan portfolios, including distressed portfolios
- Lender liability claims

Distressed Assets

Working with attorneys in our Creditors' Rights and Bankruptcy and Financial Restructuring groups and often creating a cross-functional team that engages the expertise of attorneys in our tax, litigation and other adjacent disciplines, we advise clients on workouts, creditors' rights, reorganization and asset liquidation. For debtors, we help clients navigate the complex options to dissolve entities, reduce or consolidate debt, or structure workouts. For creditors, including institutional and private-equity lenders, the team structures loans and investment deals and helps clients with collection efforts, including through litigation and post-judgment asset recovery. In addition, the team defends creditors in counterclaim actions.

Representative Experience

Financial Institutions

- Assisted a financial institution in the financing of a $24 million restaurant chain purchase, including negotiation of an intercreditor agreement with the mezzanine lender.
- Represented a financial institution in the financing of a $40 million senior debt for the purchase and renovation of a hotel and the negotiation of an intercreditor agreement with the mezzanine lender.
- Engaged by a financial institution in the financing of a $15 million real estate secured transaction.
- Represented a financial institution in a $15 million credit facility including an export-import bank facility.
- Represent national and regional financial institutions in mortgage credit facility restructurings on an ongoing basis.
- Engaged by a major financial institution in the acquisition of subordinated debt from a New York investment bank.

- Represent a nationally recognized wholesale bank in acquisitions and dispositions of mortgage loan portfolios.
- Represented a major financial institution in a $100 million mortgage syndicate as agent to a Fortune 500 Company.
- Engaged by a major financial institution on a $45 million mezzanine loan for senior debt secured by multiple office properties.
- Represent a multinational bank subsidiary in purchasing and servicing automobile loan portfolios.

Corporate Lenders

- Engaged by a life insurance lender in a $457 million senior mortgage loan facility to a Fortune 100 company with collateral located in five states.
- Represented a telecommunications holding company in a recapitalization involving retirement of existing equity, subscription for new equity, and refinancing of debt facilities.
- Engaged by a management group in various recapitalizations and sales of a finance company involving several national and international banks.

Deal Structuring and Financing

- Represented a privately held manufacturing company in a stock sale, followed by redemption of subordinated debentures and refinancing of its bank facility.
- Advised an international HVAC company in the divestiture of an $80 million division, a $200 million stock sale, a $270 million senior-debt term and revolving loan facility, and a $250 million subordinated debenture redemption.
- Retained by a clothing manufacturer in a $20 million asset acquisition of several well-known labels, with a $10 million private placement and with a $35 million senior-debt term and revolving loan facility.
- Engaged by a group of television stations in a recapitalization consisting of a $25 million private placement, a $100 million term and revolving credit facility, and a subsequent $200 million sale to a major group television broadcaster.

Private Equity and Investor Agreements

- Represented the purchaser in a leveraged buyout of a company engaged in providing document and data services, principally to financing institutions, in a transaction valued in excess of $35 million, including handling the transaction's financing through venture capital and private equity firms via the establishment of senior-term debt and revolving loan facilities, as well as the sale of subordinated debentures.

- Retained by a luggage manufacturing and distribution company in a $40 million sale to a private equity fund.
- Represented a manufacturer of aircraft industry products in a $40 million sale to a private equity fund.
- Advised an international private equity fund in the acquisition of a mortgage loan portfolio.
- Handled a $22 million sale of a U.S. oilfield construction services company to a private equity company.
- Engaged by the sellers in the $50 million sale of a pipeline to a private equity group.
- Retained by an artificial lift service company in its $37 million sale to a private equity company.

Related Practices

Bankruptcy and Financial Restructuring
Corporate and Securities
Creditors' Rights
Litigation
Mergers and Acquisitions
Real Estate Law
Tax
White Collar Criminal and Regulatory Defense
Entertainment, Advertising and Media

Related Industries

Agribusiness, Beverage and Food
Broker/Dealer and Securities
Construction
Financial Services
Hospitality
Real Estate
Manufacturing
Municipalities
Nonprofits
Sports and Entertainment

Software, Technology and Telecommunications
Wholesale, Retail and Services

Related Attorneys

Jean Pierre Boyea
Kimberly A. Cruz
William "Trey" A. DeLoach, III
Spencer C. Diebel
Ty Johnson
Kassandra "Kassie" G. McLaughlin