

# Real Estate Finance

Kelley Drye is a go-to law firm for institutional lenders in connection real estate financings and workouts nationwide.

## About

Our real estate team represents a broad spectrum of insurance companies, private equity funds, CMBS/CLO lenders, commercial banks, investment banks, and commercial real estate loan servicers.

From stand-alone financings of trophy assets in major U.S. cities to construction and development financings and multi-property portfolio financings involving properties across the country, our seasoned team of highly skilled real estate finance attorneys offer practical, sophisticated, and insightful legal services.

## Nationally ranked among the top real estate law firms

*- U.S. News Best Law Firms*

Our services include:

- Acquisition, bridge, conduit, interim, and permanent mortgage financings
- Construction loans
- Mezzanine loans
- Intercreditor arrangements, participations, co-lending arrangements, and syndications
- Purchases and sales of mortgage and mezzanine loans and servicing rights
- Lines of credit and mortgage loan warehouse and repurchase facilities
- Loan administration and special servicing
- Structuring and implementation of preferred equity transactions and other structured real estate finance transactions
- Environmental aspects of lending, including due diligence, environmental risks and liabilities, security interests, and insurance
- Sharia, EB-5, and other financing structures relevant to certain offshore investors

## A Steady Hand on Loan Workouts and Restructurings

Through every real estate downturn in recent history, we have dealt with a wide array of issues related to problem loans. We represent lenders, participants, investors, and special servicers in the workout of defaulted mortgage and mezzanine loans and other troubled real estate loans.

In addition to advising on traditional loan extensions and modifications, we frequently counsel

on repurchases of loans out of securitizations, intercreditor workouts, and complex real estate structured finance and capital markets transactions.

Our services include:

- Representing institutional, government, quasi-government, and private clients in connection with troubled real estate assets
- Representing lenders in pre-default scenarios
- Advising on the rights and remedies under all types of security instruments, as well as creditors' arrangements and receiverships outside of bankruptcy, insolvency, and asset realization and recovery proceedings
- Advising lenders in connection with foreclosure proceedings and deed in lieu of foreclosure transactions
- Conducting UCC sales of collateral
- Analyzing and advising on environmental liabilities and risks
- Counseling lead lenders, agents, loan participants, co-lenders, and syndicated lenders in disputes arising under intercreditor arrangements
- Advising on the impact of election of remedies, security first, one action, and other limitations on enforcement of instruments
- Advising on federal, state, and local law as well as tax consequences of alternative workout scenarios

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## Managing Risk With Environmental Due Diligence

We counsel clients in regulatory compliance and management of environmental risk in matters arising under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the federal Resource Conservation and Recovery Act (RCRA), Clean Air Act, Clean Water Act, and various other federal, state, and local environmental laws, as well as on the environmental aspects of business transactions.

Our services include:

- Representing purchasers and sellers of contaminated or potentially contaminated and "brownfields" properties in transactions involving single and multiple properties, both in the United States and abroad
- Conducting all aspects of environmental due diligence
- Developing strategies for the identification, management, and allocation of environmental risk in business transactions, including the use of environmental insurance products, guaranteed remediation contracts, and government liability protections to offset risk
- Assessing and addressing environmental contamination issues and insurance coverage issues in the context of commercial mortgage loan originations, property acquisitions, and a lender's exercise of remedies

- Representing owners of real estate property seeking to manage environmental liabilities through voluntary clean-up programs and property transfer laws
  - Managing environmental engineering firms, including response action contractors, for projects involving the investigation and remediation of contaminated property
  - Representing corporate clients and property owners in the prosecution of insurance recovery cases for environmental damages and losses
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## Related Services

Real Estate

## Contacts

[Deron L. Green](#)  
[dgreen@kelleydrye.com](mailto:dgreen@kelleydrye.com)