

Asset-Based Lending

Overview

Munsch Hardt's Finance attorneys possess a keen understanding of the business objectives and unique legal issues associated with asset-based lending transactions and are highly skilled and experienced in representing borrowers, agents and lenders. Our clients include national and regional banks, leasing companies, factoring companies, non-bank commercial finance companies and borrowers in all industries.

As more commercial banks and commercial finance companies compete to extend credit, asset-based transactions have increased in both size and complexity, including the use of syndicated secured credit facilities, unitranche facilities, multi-currency borrowings, club deals, direct loans and cross-border collateralization. With a distinguished local practice and national experience, our practice group protects our clients' interests in all facets of asset-based finance transactions. Included in the mix are syndicated lending issues in the context of an asset-based/dominion of funds transactions; personal property and real estate collateral security matters; letters of credit; executory contracts; regulatory matters; subordinated debt; mezzanine financing; intercreditor agreements; equipment leasing; cash management arrangements and other matters important to asset-based lending clients. Our team also focuses on the routine aspects of a deal, such as structuring, performing due diligence and preparing and negotiating the documentation related to single-lender and syndicated asset-based financings.

In every situation, we bring unique value to our asset-based lending clients by integrating our finance and transactional experience with our in-depth experience in workouts, restructurings, asset liquidation, bankruptcy and litigation matters. Combining our strengths in these areas, we are able to provide comprehensive, strategic and market-leading legal counsel by appropriately staffing each matter. Our team also seamlessly collaborates with other practices groups when needed, including Tax, Real Estate, Corporate & Securities, Intellectual Property, Energy, Labor & Employment and Environmental.

Our team has successfully completed deals across a number of industries, including:

- Agricultural
- Apparel
- Automotive
- Chemicals
- Commodities
- Construction
- Consumer Products
- Energy
- Finance
- Food & Beverage
- Forest Products
- Heavy Equipment
- Manufacturing
- Media
- Retail
- Software
- Technology & Telecommunications
- Transportation

Experience

Agent Representation

Represented the Administrative Agent for a syndicate of lenders in closing of, and subsequent amendments to, a \$100 MM asset-based credit facility to a group of companies providing compression services and equipment for natural gas and oil production, gathering, transportation, processing and storage.

Borrower Representation

Represented a producer of drill bits in the closing of a \$68 MM U.S. and Canadian asset-based revolving credit facility and in the subsequent refinancing of such facility with a new lender group.

Borrower Representation

Represented a producer of subsea trees for use by underwater energy exploration companies in the amendment and restatement of its \$215 MM asset based credit facility involving U.S., U.K. and Norwegian tranches and local counsel.

Agent Representation

Represented the Administrative Agent for a syndicate of banks in the closing of a \$75 MM asset-based credit facility for a private oilfield services company.

Lender Representation

Represented the lender with respect to a \$40 MM asset-based credit facility for a company providing commercial diving services to the oil and gas industry in the Gulf of Mexico.

Borrower Representation

Represented a food production company that had lost a major supplier and purchaser, in the workout and repayment of a \$7 MM asset-based loan, including proposals to reduce loan size and unused fees, to reduce penalties for early prepayment and to settle with private lenders and investors.

Practice Leaders



David Roth

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Related People

Josh Botts
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Related Practices

Finance
Electronic Payment Systems
Consumer Finance
Reserve-Based Lending
Mezzanine Lending
Distressed Debt
Real Estate Finance

Related Industries

Admiralty & Maritime
Financial Services
Energy
Manufacturing
Retail
Technology & Telecommunications
Transportation