



# Banking and Lending



## OVERVIEW

Since its founding, Modrall Sperling has represented banks and other lenders throughout New Mexico. Out-of-state lenders regularly rely on Modrall Sperling to confirm compliance with New Mexico law and practice. Our lawyers are recognized leaders in the field.

### Financing Transactions

The firm has a wide range of experience representing borrowers, banks and other lenders in a variety of financing transactions. Local, regional, and national lenders in complex financing transactions rely on the advice of Modrall Sperling lawyers. Our experience includes renewable energy projects, transactions in Indian Country, mixed-use condominium projects, charter schools, senior and continuing care facilities, luxury hotels, multifamily developments, and business acquisitions. We also work with clients in structuring, documenting and negotiating simple loans and lines of credit, intercreditor and subordination agreements and interest rate derivative transactions.

### Foreclosures and Bankruptcy

Working with lawyers in our Bankruptcy and Creditors' Rights practice, Modrall Sperling's banking lawyers support lending clients in assessing troubled loans, negotiation and documentations of restructuring and workout transactions, prosecuting foreclosure proceedings, and representation in bankruptcy proceedings.

### Bank Regulatory Matters

Our lawyers have assisted financial institutions with formation of bank holding companies, banks and branches, acquisitions of banks and branches, mergers, and regulatory compliance matters.

### Consumer Credit

Experienced in helping lenders navigate the complex and ever-changing regulatory environment of consumer credit, we help lenders understand and comply with integrated disclosure, fair credit reporting, and fair debt collection regulations.

### Trust Departments

Modrall Sperling lawyers have worked with trust departments in connection with estate planning, fund administration, and fiduciary litigation matters.

## EXPERIENCE

- Represented a regional bank in a \$35 million loan for the acquisition and renovation of a world class hotel and spa in Santa Fe, New Mexico. The transaction included a loan participation and interest rate swap transaction.



- Represented a regional bank in financing the construction of an affordable multifamily community in Gallup, New Mexico. The transaction included traditional construction financing, a USDA guarantee and funding from the Navajo Nation.
- Represented a Texas bank in a transaction involving a traditional construction loan, tax-exempt bond financing and low income housing tax credits for the acquisition and rehabilitation of six multifamily communities in Doña Ana County, New Mexico
- Represent a regional bank in connection with loans for acquisition and construction of retail shopping centers
- Assisted with the financing of the largest Starbucks in New Mexico, seating an estimated 175, at the Indian Pueblo Cultural Center. This is the only stand-alone Starbucks licensed to a Native American-owned company in the country – it is locally owned and operated by New Mexico's 19 pueblos.
- Serve as local counsel in connection with compliance with New Mexico law and delivery of real estate financing opinions, including lender and borrower representation, involving real estate, oil and gas and other mineral interests, rights to payment and other collateral
- Represent a non-profit residential mortgage lender in connection with loan documentation, compliance matters and foreclosures
- Represent lenders in workouts and foreclosure proceedings involving mixed-use developments, apartment communities, condominium developments and other assets
- Represented the receiver in foreclosure proceedings involving a hotel property in Santa Fe, New Mexico
- Represented a national loan acquisition company in connection with foreclosure proceedings and eventual conveyance of the real estate collateral by deed in lieu of foreclosure, including a successful motion to lift stay in bankruptcy proceedings initiated by the borrower and guarantor
- Advise a local bank on acquisition, sale and regulatory matters, including directors' obligations
- Advise a local bank on consumer compliance issues, including the review of consumer loan documentation for compliance
- Represent renewable energy developers in project finance transactions, including tax equity investors and industrial revenue bonds

## KEY CONTACT

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## RELATED INDUSTRIES

Business in Indian Country

Construction and Design

Educational Services and Institutions

Energy

Financial Services

Healthcare / Senior Care Facilities

Manufacturing

Mining

Railroads

Ranching and Agriculture