

## Commercial Lending & Finance

### **FMJ is proud to introduce you to its Commercial Lending and Finance Group**

#### **Firm Background:**

Since its inception, Fafinski Mark & Johnson (FMJ) has had one primary goal to provide big-firm knowledge and expertise, with a more intimate, small-firm customer service model. This team approach allows us to provide our clients with world class representation coupled with the kind of responsiveness and attention that is only possible in a smaller, more agile working environment.

Relationships and service are the sweet spots of FMJ's philosophy. FMJ has struck a chord representing large and mid-size businesses looking for an alternative to the "big-law" experience. FMJ interacts with the owners and managers of a diverse portfolio of multimillion-dollar corporations, earning their trust and respect far beyond the typical attorney-client relationship. FMJ has also performed work for public companies as well as having represented 17 Fortune 500 companies over the past ten years.

From this principal philosophy of excellence and personal accountability, a unique firm has grown and continues to grow. The Commercial Lending and Finance group of FMJ is now proud to announce its ability to service lenders and borrowers of all types.

#### **Description of Group:**

In the ever-evolving financial markets, lenders and borrowers need experienced, cost-efficient counsel to assist them in navigating the increasingly complex financial sector. Now, more than any other time in recent history, structuring and documenting financial arrangements requires creativity, responsiveness, efficiency, and attention to detail. FMJ has a multi-disciplinary team of professionals that regularly represent lenders of all types and borrowers in a wide range of financing transactions including secured transactions, revolving and term loans, commercial mortgage loans, construction loans, land development loans, seller-financed transactions, leveraged buy-outs, venture capital financing, leveraged leases, and commercial leasing and equipment financing. Its clients include companies of all sizes within various industries and the institutions that finance their operations and growth.

FMJ prides itself in assisting clients in structuring new transactions or responding to sudden market changes and client needs. Our team is committed to delivering high quality service and the long-term relationships we have with the vast majority of our clients is a testament to our commitment.



### **Our Areas of Expertise Include, But Are Not Limited To:**

Aviation Lending  
Bank Lending  
Corporate Finance  
Hedge Fund Financing  
Leasing and Equipment Financing  
Venture Capital Financing.

### **FMJ Professionals:**

Robert R. Fafinski  
Kevin J. Johnson  
Gregory P. Brenny  
Heidi A. Carpenter  
Ernest P. Shriver  
Daniel A. Ventura  
Marissa J. Ulstad

### **Sample of Completed Transactions:**

- Represented U.S. company in structuring a preferred stock investment of \$40 million.
- Represented U.S. investors in a series of loan transactions in excess of \$60 million with large European hedge fund for the purchase and operation of casino gaming machines in Mexico.
- Represented international manufacturing facility in securing \$24 million commercial and export credit facility.
- Represented regional bank in series of multi-million dollar loan transactions for construction of various railroad lodging facilities across the U.S.
- Represented a U.S. based company in connection with a loan to a Turks and Caicos company in connection with their purchase of a Gulfstream aircraft.
- Represented junior lender in connection with restructuring rights under loan documents for the acquisition of four Boeing and one Airbus aircraft.
- Represented a Denmark company in obtaining financing in connection with a sale and lease back of thirty-nine aircraft with a U.S. operator.
- Represented non-profits in securing educational facilities revenue notes from local cities.

Power of the Big.  
Spirit of the Small.

- Represented bank lender in construction to permanent loan for the construction of a 20 bed inpatient and psychiatric facility located in Maple Grove, Minnesota, and the refinance of existing debt on the property. Loan secured by project real estate. Project involved leasing, purchase options, subdivision, city approvals and development agreement.
- Represent bank lender in multi-parcel 80 acre land development loan involving both commercial and residential property. Loan secured by project real estate. Project included complex release provisions and phasing requirements. Project also included three and four party agreements entered into by the bank lender related to option agreements with payment provisions that were securitized by the bank lender.
- Represented investor in purchase of loan from a bank lender. The loan was in foreclosure. Loan was purchased after the judicial action but prior to the foreclosure sale. Loan was secured by project real estate of 42 acres of subdivided land that was in the process of being developed as a residential and commercial planned community. Goal of investor client was to obtain the land.
- Represented private lender in the sale of loan to a third party investor. The loan was delinquent and in pre-foreclosure. Loan was secured by project real estate that had been subdivided and was in mid-process of being developed as a residential community. Goal of lender client was to sell the land for not less than the loan amount prior to foreclosure.
- Represent bank lender in loan for the purchase of land improved with a retail multi-tenant leased building and other improvements. Loan secured by project real estate and real estate owned by third party guarantor. Loan proceeds also used to construct leasehold improvements, pay tenant allowances, pay brokerage commissions and other leasing costs. Project involved working with third party tenants to obtain evidence needed for income producing property.
- Represented bank lender in closed end line of credit loan to a private lender. Loan proceeds were being used to provide loans to other third parties for certain redevelopment projects. Loan secured by assignment of underlying loans.
- Represent bank lender in revolving line of credit loan used to refinance existing debt and provide working capital for the operation of the business. Loan secured by real estate, equipment, receivables and inventory.
- Represented bank lender in loan for the purchase of land improved with a 64 unit residential apartment complex consisting of 8 two-story

apartment buildings, surface parking of approximately 128 parking stalls and various other improvements. Loan secured by project real estate.

- Represented bank lenders in various construction loans for the construction of multi-tenant retail buildings and related site improvements. Loans secured by project real estate.
- Represented bank lender in refinance of private company debt secured by real estate in various locations across the country. Security instruments included both mortgages and deeds of trust. Worked with local counsel to ensure compliance with state specific requirements.
- Represented bank lenders in multiple loan amendments that extend and adjust payments and modify covenants.
- Represented borrowers in many different types of loans, including (a) real estate secured loans; (b) construction loans; (c) development loans; (e) operating loans secured by equipment, receivables and inventory; and (f) a revolving credit facility with term-out secured by equipment, receivables and inventory from many different subsidiaries of the borrower.

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