

DISTRESSED REAL ESTATE

Our Distressed Real Estate team is a longstanding national leader in handling and resolving distressed real estate matters. Established more than a decade ago, the team successfully helped a wide range of clients navigate the last market downturn and has been guiding them through COVID-19 related disruptions and, now, through current market challenges arising from increasing interest rates and construction costs, and the impact of an inflationary and, potentially, recessionary environment.

The firm's Distressed Real Estate team draws on talent and experience from both transactional and litigation practices to create a multidisciplinary, results-focused team that works closely with lenders, servicers, investors, developers, owners, landlords, tenants, trustees, and receivers to design and implement the best approaches to resolving troubled real estate investments and loans and related disputes. The team also advises on opportunistic investing, rescue capital transactions, distressed loan purchases, and bankruptcy matters.

As market challenges increase, members of our distressed real estate practice are assisting clients with loan restructurings and workouts, loan sales, receivership sales, foreclosures, UCC sales and other enforcement matters, bankruptcies and reorganizations, liquidations, asset distribution, and intercreditor matters. The group also handles landlord and tenant disputes, lease restructurings and enforcement matters, and construction disputes and claims.

With years of finance and development experience involving a wide-range of complex projects and capital stacks, our team knows how to identify key issues and considerations and to implement effective strategies to achieve our clients' goals. We have advised clients on a variety of distressed projects, including shopping centers and malls, office complexes, hotels, resorts, casinos, industrial properties, senior housing and retirement communities, nursing homes, master-planned and mixed-use developments, and condominiums.

With offices in some of the most active markets in the country, we understand each area's regional issues, local laws, political climate, and distinct market characteristics. That perspective, coupled with our extensive experience in real estate and development, finance, litigation, taxation, and bankruptcy, gives us the insight needed to help clients find creative and effective workout and enforcement solutions and to protect, preserve and monetize their investments.

OUR EXPERIENCE AND SERVICES

- Restructurings, reorganizations, and liquidations, both in and out of bankruptcy
- Balance sheet and securitized loan restructurings, workouts, and enforcement actions
- Master and special servicer representations, including pooling and servicing agreements and REMIC-related issues
- Troubled asset and loan dispositions and acquisitions
- Trust litigation matters
- Mezzanine loan transactions and preferred equity investments

- Receivership appointments for diverse commercial projects
- Restructuring and redevelopment of distressed projects
- Commercial leasing matters, including deferrals, abatements, co-tenancy issues, and operational issues
- Construction disputes
- Multifamily property issues, including changing requirements at the local level
- Guarantor enforcement actions
- Joint venture and intercreditor disputes

The Distressed Real Estate Team is a multidisciplinary practice with attorneys from Ballard Spahr's Finance, Litigation, and Real Estate Departments, who cover all aspects of troubled real estate investments, loans, and projects.

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