

## → Equipment Leasing

Sheppard Mullin has an active capital equipment financing practice. We represent domestic and international clients in leasing transactions involving a diverse range of assets including, aircraft, automotive, computers and other technological equipment, construction, containers, energy, manufacturing, maritime, medical, mining, railroad rolling stock and locomotives, shipping, storage, and telecommunications.

We represent a diverse range of clients, including lessees and lessors, lenders and lease intermediaries, investors and investment advisors, corporate trustees, providers of credit support, as well as debt and equity syndicates.

Sheppard Mullin is known for the ability to identify the business objectives of our client and to develop strategies and deal structures to meet those requirements. Our engagements involve front-end structuring advice and transaction documentation, as well as back-end work-out and dispute resolution. In the event that a dispute arises, Sheppard Mullin has successfully represented clients in equipment recovery, litigation, mediation, arbitration, fraud investigations, workouts and restructurings.

Our attorneys have closed a variety of equipment leasing transactions, such as:

- Leveraged and single investor leases
- Portfolio acquisitions and sales
- Sale and leasebacks
- Operating leases
- Synthetic leases
- Cross border leases
- Lease securitizations
- Restructurings
- Vendor and Broker Agreements
- Financing of Leases/Certificates of Participation
- Facility Leases
- Tax Priced (True Leases)
- Government (Municipal or Federal)

The type of equipment financed includes:

- General Office Equipment
- Medical Equipment
- Manufacturing Equipment

- Mining Equipment
- Energy Equipment
- Franchise Store Equipment - including enterprise value loans
- Vehicles – including vehicle titling trusts
- Software

We have also negotiated and prepared third party agreements, including:

- Vendor Agreements
- Joint Venture Agreements
- Private Label Agreements
- Limited Recourse Agreements

As tax considerations affect many of these transactions, Sheppard Mullin attorneys provide counsel on federal and state tax laws pertaining to equipment leasing matters including preparing and negotiating tax indemnities, providing tax opinions and assisting with tax audits allow us to move the transaction to completion in the most effective and sound manner possible. Common issues include true lease and early buy-out option analyses, rent allocation and prepaid rent issues, cross-border lease structuring, and assistance in connection with tax audits.

Sheppard Mullin attorneys have been actively involved over the last 40 years in the development of commercial law as it applies to leasing and secured transactions. Our attorneys are active members in the Equipment Leasing and Finance Association and frequently lecture and write on industry topics such as fraud and fraud prevention, lender liability exposure and protection, UCC Article 2A and 9 issues.

## Clients

- Federated Financial
- Irwin Franchise Capital Corporation
- Leaf Funding Corp.
- Merrill Lynch
- New World Equipment Funding
- OFC Capital Corporation
- Sovereign Bank
- Sterling Bank Leasing
- Tokyo Leasing
- U.S. Bank
- Wasco Leasing