

PRACTICE AREA

Subordination & Intercreditor Arrangements



ATTORNEYS

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OVERVIEW

Relentless competition among banks and alternative lenders continues to result in financial products and services that offer more attractive financing terms and structures for borrowers and private equity groups.

As a result, industry innovators have become more adept at structuring transactions that include multiple tranches of debt or multiple liens which may necessitate complex subordination or intercreditor arrangements among lenders.

Hackett Feinberg represents banks and other lenders in connection with the drafting and negotiation of subordination and intercreditor agreements with other parties, including first lien/second lien, split collateral, senior/mezzanine, and unitranche transactions. We also review and analyze existing subordination and intercreditor agreements in connection with workouts and restructuring transactions.

We represent both senior and subordinated lenders in connection with such arrangements, which can range from lien subordination on collateral with respect to which two lenders each have a lien, to payment subordination agreements with owners and sponsors of borrower entities. We advise on complex payment and lien subordination arrangements among senior and subordinate lenders and address related issues such as payment blockage, standstill rights, and bankruptcy-related provisions.

We are skilled in front-end negotiation of documents at the origination of a loan and restructuring of loans to add subordinate or senior debt, as well as analyzing and counseling both senior and subordinated lenders with respect to the terms and conditions of subordination and intercreditor agreements following a default by the underlying borrower.

Let's Get to Work!

To learn more about how we can help, please contact [Brian Plunkett](#) or [Scott Altonian](#) at 617.422.0200.