

## DEVELOPMENT NEWS

Freeborn &amp; Peters LLP

**Welcome** to the latest issue of Freeborn & Peters' *Development News*. As always, we welcome your suggestions on the types of content that interest you and on the ways we can make this a useful resource to serve your needs. Please contact your F&P lawyer with suggestions or contact the editors: Rich Traub, [rtraub@freebornpeters.com](mailto:rtraub@freebornpeters.com) (312-360-6605), Anne Garr, [agarr@freebornpeters.com](mailto:agarr@freebornpeters.com) (312-360-6619), or Dov Pinchot, [dpinchot@freebornpeters.com](mailto:dpinchot@freebornpeters.com) (312-360-6579), or Mike Moynihan, [mmoynihan@freebornpeters.com](mailto:mmoynihan@freebornpeters.com) (312-360-6419).

## Spring 2010 Volume VI Issue I

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### An Overview of the Benefits and Considerations for a Deed in Lieu of Foreclosure

In our December 2009 edition of Development News, we analyzed the issues and structuring considerations in the most common workout documents when Borrowers and Lenders work together to modify or restructure a loan. At some point, however, it may no longer be economically feasible for the Borrower to continue to own the property or to restructure the loan and it may be in the Borrower's best interest to give the property back to the Lender. In this case, the Borrower and Lender may agree to a negotiated deed in lieu of foreclosure process rather than incur the expense and time of a mortgage foreclosure proceeding. This article provides a general overview of some of the potential benefits and issues for Borrowers (as well as Guarantors) and Lenders that should be considered when entering into a deed in lieu of foreclosure transaction.



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### Trend Report: Development Issues our Clients are Talking About

- How New Policies Toward FIRTPA Affidavits May Affect Purchasers of Real Estate
- Recent Changes in Passive Business Activity Tax Rules
- Good Funds Legislation

[Read more about these trends](#)

### Spotlight on the F&P Real Estate Practice Group



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This e-newsletter is prepared by Freeborn & Peters LLP to provide information on current real estate development topics and the real estate group of Freeborn & Peters LLP.

**Michael A. Moynihan** has been elected as Co-Managing Partner. **Dov J. Pinchot** has been named Co-Head of the firm's Real Estate and Land Use Practice Group. **Michael Steingo**, an Associate in the Real Estate and Land Use Practice Group, has been accredited as a LEED® (Leadership in Energy and Environmental Design) Green Associate by the Green Building Certification Institute.



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