

Asset based lending

Asset based lending



Shoosmiths' asset-based lending team has a wealth of experience advising high street and specialist banks, independent financiers, sponsors and corporate borrowers on a range of transactions and arrangements.

The team manages situations from new lends, through portfolio management, litigation, restructuring and on to re-financing. The team has many and varied contacts in the industry in the UK and abroad and can effect valuable introductions to the right people for the right situations.

Transactional Work

The team advises on new and refinancing opportunities, including general working capital finance, acquisition finance, development finance and exits. Product lines include:

- receivables financing
- asset based lending (in relation to all asset classes including inventory, plant & machinery and property and in addition cashflow loans)
- back to back structures
- supply chain finance
- off balance sheet/non-recourse structures
- portfolio acquisitions

Our advice covers transaction structuring, preparation and negotiation of term sheets, consequent facility documentation, security structures (particularly on cross-border transactions), reviewing and reporting on underlying debtor contracts and negotiating inter-creditor arrangements with other funders as well as investors.

Litigation and recoveries

We assist clients in all aspects of litigation and recovery (including collect out, guarantee claims, statutory demands and bankruptcy/winding up petitions) across each UK jurisdiction.

We operate at all levels from pre-legal collections and insolvency through to multi party complex disputes. Our focus is on resolution rather than litigation and we settle the vast majority of disputes without needing to proceed to trial.

Our services include:

- recovery of individual debts for your live clients
- assistance with prioritising recoveries for stressed companies
- on site attendance to assist credit control teams and "day one" whole ledger collections
- where invoices or supporting documentation needs to be moved from the site of the customer for safe-keeping, to be worked on for payment by our team.

Asset based lending



Standard documents, training and portfolio acquisitions

Jon and Nat have wide and varied experience in preparing standard documents, working with funders to understand their business and how they wish to present themselves to the market. We always ensure that the funding and security documents properly represent their outlook to business. We have drafted numerous suites of standards presently in use in the ABL market and we maintain a number of them ensuring they are kept up to date with changes in the law and industry practice.

We have acted for many clients on portfolio acquisitions and disposals, whether by way of share sale, transfer by way of assignment and novation or wind downs of entire books. Using our combined 75 years of experience, there is little that we have not seen and we can help with due diligence, structuring and executing the relevant transfer.

We provide annual and ad hoc training to suit our clients, again using the wealth of experience within the team.

Restructuring

Shoosmiths' national team of skilled corporate restructuring lawyers has a broad range of experience across the full spectrum.

In particular, the team advises banks and asset-based lenders in enforcing security against, and making recoveries from, businesses operating with financial difficulties providing bespoke and innovative solutions.

They also advise in relation to contentious matters, acting for creditors in recovering funds through the use of corporate and insolvency legislation.

We offer constructive, commercial and clear advice in a straightforward manner to provide solutions tailored to our clients' objectives.



"The ABL team get the work in on time, think outside of the box and are constantly bringing solutions to problems which we haven't even found yet!"

Legal Director at Shawbrook Bank



"The team are always very responsive, commercial and straight forward – things are never over complicated! They see what the best point/route is but also dial it back, which is what we need"

Commercial Director at Close Brothers

Recent experience



Acting for ABN AMRO on a £11m facility to support ground engineering contractor Van Elle.



Advising Shawbrook Bank Limited on a substantial facility to support the acquisition by 128 year old fruit farming business, Bardsley of its nearby competitor, Newmafruit.



Advising IGF Business Credit Limited on revolving and term facilities to support a management buy-out of Sandland Packaging



Advising Arbutnot Commercial Asset Based Lending Limited on a £3.75m facility for Specialist Crafts, the UK's largest supplier of art, craft and design materials to educators across the world



Advising Investec Bank plc in relation to £4m of follow on funding to Hanmere Polythene Ltd to support its acquisition of Plasmec packaging Ltd.



Advising Hilco Capital on a £15m working capital facility to British retailer, French Connection

Your key ABL contacts



Jon Bew

Partner (Banking & Finance)
Head of Asset Based Lending

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Jon heads up the National Asset Based Lending team. Jon is ranked as a tier 1 "Leading Individual – Hall of Fame" finance lawyer by Legal 500.

Jon is a hugely experienced finance lawyer specialising in acting for both borrowers and lenders on asset-based lending transactions, both domestic and cross border.



Natalie Barnes

Partner (Banking & Finance)

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Nat is an experienced finance lawyer specialising in acting for both borrowers and lenders on asset-based lending transactions, both domestic and cross border. Nat is ranked as a next generation partner by Legal 500.

Nat typically acts for financial institutions and corporates on asset finance transactions including receivables finance, plant & machinery loans, inventory loans, property loans and cashflow facilities.



"The very knowledgeable Jon Bew brings significant finance experience to the table and is highly specialised in asset-based lending."

Chambers and Partners 2020



"Natalie Barnes has substantial experience handling high-value asset-based lending transactions. Impressed clients report that she is "responsive, professional, and able to understand the requirements of banks in detail."

Chambers and Partners 2020

The majority of Jon and Nat's clients are funders, including the main high street banks that are active in asset-based lending as well as a great many specialist banks or independent funders (including Shawbrook, Arbuthnot Latham, Investec, Close Brothers, Hitachi Capital and IGF Business Credit).

ABL contacts continued



Jason Morris

Head of Debt Recovery-Receivables

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Jason works in our Risk and Litigation Services team within Shoosmiths LLP, where he heads the Receivables Finance team.

With over 25 years' experience in debt recovery, Jason specialises in trouble-shooting, project management and restructuring to maximise recovery and minimise loss.

His role supports ABL clients in their requirement for commercial debt recovery, litigation and volume ledger collect-outs.



Sarah Teal

Partner (Corporate Restructuring & Advisory)

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Sarah is a partner in the Corporate Restructuring and Advisory team.

Sarah represents banks, asset based lenders and other financiers, and advises on all issues arising in financially stressed situations.

Sarah has been involved in a number of large scale confidential restructurings (particularly in the retail and healthcare sectors) and her expertise includes the appointment of Administrators and Receivers and pre-appointment advice including reviews of lender security.



Stuart Montgomery

Partner (Asset Based Lending – Secured)

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Stuart is the head of our Secured and Commercial Recoveries Team. He advises lenders on a wide range of disputes.

Stuart's particular expertise includes:

- advising ABLs on recovery and enforcement options;
- enforcement of mortgages, debentures and guarantees; and
- advice on both personal and corporate insolvency, including the issue of Statutory Demands and Bankruptcy and Winding Up Petitions.

About Shoosmiths

Established
1845

1600+
lawyers and business
support employees

Signatory
of the social mobility pledge
and the Race at work charter

213
Partners

13
UK locations

A founding signatory

of the Law Society's
Diversity and
inclusion charter

Award winning

National Law Firm of the Year – WINNER – The Lawyer Awards 2019
Ranked in the Real Estate Global 50 – The Lawyer 2019
Winner of corporate/commercial specialism in the Legal 500 Awards 2019
Legal Team of the Year – Estates Gazette Awards 2018
Rated a best employer for the 15th consecutive year by Legal Week

30%+
female partnership
nationally, and
aiming for higher

Gold standard
status in Investors in People
And Gold status in the
Law Society's diversity and
Inclusion charter

Signatory
to the United Nations
Global Compact

£154.2m
Turnover to end
April 2000

WINNER
National firm of the year
THE LAWYER
Awards 2019



LegalWeek
Innovation
Awards 2019



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