



## Jenny Park Garner

Associate

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### PRACTICE AREAS

- International Practice
- Bankruptcy and Restructuring
- Finance

### INDUSTRIES

- Commercial Mortgage Backed Securities ("CMBS")
- Financial Services

### OVERVIEW

Jenny Park Garner is an associate in the Finance & Bankruptcy Practice Group in the firm's San Francisco office. She is a Vice-Chair of the California State Bar UCC Committee and currently serves as Chair of the Legislative Subcommittee.

### Areas of Practice

Ms. Park Garner specializes in commercial law, real estate, secured and unsecured lending transactions, workouts, bankruptcy, and enforcement of creditor's rights and remedies. She represents a wide range of clients in all aspects of finance, real estate, bankruptcy, and creditor's rights matters.

Her commercial lending practice includes structuring, negotiating and documenting senior and mezzanine debt financing, participating or contingent interest financing, and loans for the commercial mortgage backed securities market. She has extensive experience in advising clients on problem loans and creditor's rights and remedies, including real property and UCC foreclosures, deeds in lieu of foreclosure, writs and receivership, and relief from stay proceedings. Industries have included single-family and multi-family residential projects, mixed use projects, office, hospitality, retail, manufacturing, communications, entertainment, health care and fine art.

### EDUCATION

- J.D., University of California, Berkeley (Boalt Hall), 2001
- B.A., University of California, Berkeley, 1997, *with high distinction, Phi Beta Kappa, Golden Key National Honor Society*

### CLERKSHIPS

- Extern to the Honorable Maxine M. Chesney, United States District Court for the Northern District of California, Summer 1999

### ADMISSIONS

- State Bar of California (Business Law and Real Property Law Sections)
- United States Court of Appeals, Ninth Circuit
- United States District Court for the Northern, Eastern, Central and Southern Districts of California

### EXPERIENCE

#### Representative Matters

#### *Commercial Lending and Other Transactions*

- Represented lender in structuring, negotiating and documenting a \$69 million loan secured by a portfolio of apartment complexes and related personal property.
- Represented agent bank in \$100 million senior secured credit facility secured by personal property and stock pledges in borrower's domestic and foreign subsidiaries.
- Represented finance company in equity investment in excess of \$200 million in a joint venture with an unaffiliated party, including due diligence review of 52 office parks located in Silicon Valley.
- Represented a public REIT as borrower in the negotiation and documentation of a \$620 million credit facility secured by multiple properties in California, Washington and Arizona.
- Advised a public REIT in the due diligence and acquisition of a 349-unit luxury condominium project from a lender who had taken title to the property by a deed in lieu from its developer-borrower.

#### *Workouts and Creditor's Rights*

- Represented a lender in the mixed collateral foreclosure of a time-share resort located in Napa Valley.
- Represented agent bank in the workout, bankruptcy, enforcement of creditors' rights and lien priority litigation involving multiple loans made to a large residential home builder with partially completed housing projects in California.
- Represented lender in successfully settling lawsuit against guarantor for breach of guaranty of a defaulted \$7.5 million loan, after attachment of guarantor's real property.
- Represented a public REIT as lender and investor in the documentation and workout of a mezzanine loan and equity investment made to finance a multi-use development project in Los Angeles.

#### *Receiverships and Bankruptcy*

- Represented receiver in the receivership of a partially completed residential construction project in Monterey County, including advising on contracts and potential claims, and negotiating and documenting a construction loan funded by lender to complete sitework at the project.
- Represented Chapter 11 Trustee in the bankruptcy of a national art gallery, which included liquidation of a large inventory of art and special issues concerning consignment of art.
- Represented estate manager in the Chapter 11 bankruptcy of Leasing Solutions, Inc., including advising on the distribution of approximately \$50 million to creditors pursuant to a complex waterfall distribution scheme provided under the Chapter 11 plan of reorganization.
- Represented group of equipment lessors in the Chapter 11 bankruptcy of At Home Corporation and its affiliated debtor entities, including in an action filed by the equipment lessors against the bondholders to enforce subordination provisions in a trust indenture and in an action filed against the equipment lessors challenging their status as equipment lessors under the Bankruptcy Code. Prepared and advised in implementing a comprehensive distribution agreement among the equipment lessors to govern distribution of \$100 million in payments received by the equipment lessors and the retrieval of all leased equipment located in hundreds of sites across the United States and Canada.

**MEMBERSHIPS**

- Member, American Bar Association (Business Law Division)
- Member, San Francisco Bar Association
- Member, Asian American Bar Association
- Member, Bay Area Bankruptcy Forum

**ARTICLES**

- "Top 10 Best Practices For Lenders On Problem Loans," *Law360*, April 6, 2010

**Bankruptcy & Restructuring Law Blog Articles**

- "New Change To Required Language For Foreclosure Notices Under California Civil Code § 2924c," October 15, 2011
- "*In Re TOUSA*: District Court Reverses Bankruptcy Court's Order Requiring Lenders To Disgorge \$480 Million As Fraudulent Transfer," April 5, 2011
- "Top 10 Best Practices for Lenders on Problem Loans," April 14, 2010 (co-authored with Geraldine A. Freeman)
- "Claimant May Not Argue Merits of Underlying Claim Objection After 10-Day Period for Appeal Has Expired", September 25, 2006
- "Confirmation Order Cannot Be Voided Based On 'Second Thoughts' About the Bankruptcy Court's Jurisdiction", October 14, 2005

**SPEECHES**

- "Top 10 Best Practices for Lenders on Problem Loans", Bar Association of San Francisco – Commercial Law & Bankruptcy Section, July 13, 2010