

ENVIRONMENTAL DUE DILIGENCE & TRANSACTIONS

The environmental team recognizes that environmental problems relating to a parcel of real estate, a commercial or industrial facility, or an operating concern often first come to light in the context of a business transaction, and must be addressed promptly in the ongoing negotiation of the transaction. In that regard, the team advises on environmental matters that arise in the course of mergers and acquisitions, purchases and sales of real estate, commercial and industrial facilities, and businesses. The team performs due diligence investigations for buyers, sellers, and financial institutions, including assessment of real estate, regulatory compliance or operations, historical environmental matters, and other issues. The team has significant experience regarding the Environmental Protection Agency's "all appropriate inquiries" standards for environmental due diligence. The team provides advice with respect to the structure and terms of such transactions to ensure that known and potential liabilities are allocated in accordance with the wishes of the parties. The team has experience with a wide variety of businesses operating in North and South Carolina, from residential development to chemical manufacturing, to energy generation and transmission. The firm has substantial experience representing both principals and financing entities in connection with large, multi-facility, multi-jurisdiction transactions.

Some selected recent transactions for which the team provided environmental advice include:

- **Construction Equipment Company Acquisitions**. The firm recently represented a hedge fund in connection with its acquisition of the assets of two construction equipment companies. The companies had locations in multiple states, each with varying environmental concerns. The firm managed environmental due diligence and the negotiation of the structure and terms of the transaction to shelter the buyer from environmental liabilities.
- **Financing of Acquisition of Retail Equipment Manufacturer**. The firm represented a lender providing financing to the acquirer of one of the nation's largest manufacturers of convenience store equipment. The environmental team provided advice with respect to due diligence and the terms of the financing documents.

CONTINUED

- **Financing of Acquisition of Chemical Manufacturer.** The firm represented a lender providing financing to the acquirer of a chemical manufacturer based in Louisiana. The environmental team provided advice with respect to due diligence and the terms of the financing documents.