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The management of troubled real estate investments

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It's been said that if stock market experts were so expert, they would be buying stock, not selling advice.

Indeed no matter what anyone says, no one truly knows the path our national and regional economy will take, nor its impact on real estate and the market. However, while business interests, lenders, and holders of real estate may feel they are at the mercy of the market and the economy, the magnitude and scope of the current financial and credit crisis simply requires a far more comprehensive approach to the management of real estate collateral. And when business interests take the reins of those factors that they can control, it can make all the difference in whether they thrive or simply struggle to survive.

Strategically selected default practices can help both the servicer and investor chart a course through the administration or liquidation of non-performing assets. Actions such as foreclosures, bankruptcy, evictions, and management of properties, all can help minimize potential losses, maximize opportunities and meet strict timeframes.

Lenders and investors alike which assume responsibility for commercial or residential real estate portfolios are often confronted with the need to manage the development and management. If done correctly some can maximize one's investments. By turning to a specialized law firm that offers the experience and ability to apply a business-oriented approach to analyzing the special issues arising from troubled real estate loans and collateral, business interests can minimize their risks and maximize their assets. Indeed, many of those dealing with distressed real estate loans and assets will face a number of other legal issues they may not have even considered including tax issues, environmental matters, and employment concerns, not to mention litigation related to tenant or contractor agreements and other corporate concerns.

Navigating a course through such a sea of uncertainty is easier said than done. One must choose a firm carefully. Although many law firms will claim competence, not every firm can offer the experience to save clients the vital time and money they need. Abraham Lincoln - no stranger to the profession of law himself, once argued a case in which he proposed the question "How many legs does a dog have if you call the tail a leg? Lincoln's response was simple and direct: "Four. Calling a tail a leg doesn't make it a leg."

By that same token, not every law firm that claims to be able to serve a client's needs truly has the experience necessary to effectively and efficiently manage the complex legal issues related to complicated real estate portfolios. Not every law firm understands the need to apply sound business principles in such circumstances, nor can claim to know the complex landscape of the New England regional real estate market well enough to provide the vital and strategic support that companies need to survive and even thrive during these challenging times.

The end result is that the client might wind up paying the price for inefficiencies and ineffectiveness

of less experienced legal services.

Over the last 30 years, Nicholas Barrett & Associates (NB&A) has evolved into a premier New England creditor's rights firm dedicated to the representation of commercial interests and the mortgage banking industry in connection with the resolution of its origination and default real estate mortgage portfolios, both residential and commercial.

The firm's practice includes Foreclosure, Bankruptcy, Evictions, Collections (commercial and consumer), Origination and REO Closings, Loss Mitigation, Loan Processing and Real Estate Litigation.

NB&A is extraordinarily well positioned to assist clients not only with recovering collateral efficiently; we also help them with the full range of issues they will encounter in dealing with troubled real estate loans and assets. NB&A founder and Principal Attorney Nicholas Barrett and the entire Real Estate Management team of Nicholas Barrett & Associates bring the entrepreneurial spirit, experience and zeal for their area of expertise to provide clients with the tailored and specialized services they need. As the only New England law firm to receive the 2008 LPS Default Solutions Summit Award, Nicholas Barrett & Associates has now earned the distinction of Best in Class in Foreclosure/Bankruptcy for two consecutive years. NB&A has been consistently recognized for its performance by industry outsourcers, its clients for the New England region (RI, MA, CT, NH, ME and VT). With three decades of experience, Nicholas Barrett & Associates knows New England, knows New England Real Estate, and has served as a trusted and experienced partner to area lenders and businesses during the most difficult of economic times.

Tom Iddings, managing director of Nicholas Barrett & Associates, East Providence, R.I., brings nearly 30 years of executive level experience in the areas of financial management, real estate administration, crisis/turnaround management and work flow analysis in both publicly traded and private enterprises. For more information on Nicholas Barrett & Associates, visit their website at www.nbalaw.com

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