

Finance and Securities Services Guide



Finance and Securities covers a broad range of transactions which affect most individuals and businesses at some stage. The documentation and process involved in borrowing, lending or securing funds can be confusing. For more complex transactions there are potential risks and regulatory considerations that need to be addressed. The lawyers at Murfett Legal have a great deal of experience in a wide range of these often complex transactions including:

Finance:

- Reviewing, advising on and negotiating commercial and National Consumer Credit Code loan documents from banks and other financiers.
- Preparing loan agreements, vendor finance agreements and hire purchase agreements.
- Preparing invoice financing agreements, lease to buy agreements.
- Effecting and settling refinance transactions.
- Issuing default notices for non-payment pursuant to loan agreements.
- Commencing enforcement proceedings in relation to a default and repossession of security property, including advising on exercising a power of sale.

We act for primary financiers, corporations, invoice financing providers, mezzanine financiers, business vendors, franchisors and a host of other entities.

Securities:

- Preparing and effecting registration of mortgages and caveats over real property.
- Advising and negotiating deeds of priority.
- Drafting, reviewing and advising on terms and conditions, hire agreements, credit applications and guarantees in relation to securities.
- Advising on and registering Personal Property Security Register (**PPSR**) security interests.
- Providing training and advice on implementation of PPSR policies and procedures.



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Some examples of matters that we have assisted clients with include:

- Acting for a national invoice finance credit provider including preparing all documentation and negotiating with other financiers for priority of security. We also enforce securities and bring action against defaulting parties.
- Advising a major electrical contractor on securing the retention sums held by customers and negotiating alternative securities to ensure that personal guarantees are not required. We have been successful in ensuring our clients get paid what they are owed.
- Acting for a national credit provider on both commercial and National Consumer Credit loans including the preparation of all documentation, and effecting the refinance, including the discharge of existing mortgages and registration of real property mortgages on behalf of our client. This includes advising on security priority procedure requirements.
- Acting for business vendors to provide finance to purchasers, including the preparation of loan agreements and registration of appropriate securities against real and personal property. We have been involved in the enforcement of securities for vendors both as mortgagees and secured parties.

If you would like more information, please contact one of our team on +61 8 9388 3100 or visit our [website](#).

