

Preface

THE PURPOSE of these volumes is to provide lenders, attorneys, regulators, developers, investors, and other professionals with a complete set of both basic and highly sophisticated forms that can be used as practical working tools for various banking and lending-related transactions. The forms contained in this book were gathered from all over the United States from leading law firms, banks, savings and loans, commercial finance and leasing companies, and other similar institutions.

Most chapters have editorial comments. Some forms have their own editorial notes as well. These editorial comments and notes discuss general considerations and do not refer to the laws of any one state. It is our intention that the forms serve only as guidelines and illustrations. Readers are cautioned against copying any form without the advice of local legal counsel, since the laws governing the transactions described in the forms frequently vary from one jurisdiction to the next.

These four volumes are updated on a regular basis, providing forms of interest based on current developments in the lending community.

Good draftsmanship is extremely important in all lending transactions because of the need to comply with a myriad laws and regulations governing every transaction. The most meticulous care must be exercised to express, clearly and unambiguously, the specific details of the parties' agreement and, in the case of most lenders, to err on the side of conservatism. The forms in these volumes have been designed to alert the practitioner to the most serious and prevalent drafting problems, and to suggest the techniques by which such problems may be fully resolved.

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Occasionally, readers of this treatise come across forms that should be in the treatise but are not included. If you develop or see such a form, please send it to Jacob W. Reby, Lewis, Rice & Fingersh, L.C., 500 N. Broadway, Suite 2000, St. Louis, Missouri 63102 (Phone: (314) 444-1310; Fax: (314) 612-1310; E-mail: jreby@lewisrice.com) for potential publication in the treatise.

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