

Brigitte Gawenda Kimichik



Partner

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Brigitte has experience in all areas and with all types of commercial real estate (including shopping centers, hotels, office buildings, office parks, industrial parks, restaurants and franchise properties, including fast-food establishments, gas stations and convenience stores). She advises clients on transactions involving real estate portfolios and multiple properties in multiple states, emphasizing lending, leasing, sales and acquisitions, sale-leaseback transactions and note sale transactions.

Brigitte represents landlords and tenants in leasing transactions for all types of commercial properties, including master leases in the multiple property context and sale-leaseback transactions. In addition, she assists buyers, sellers and investors in the acquisition and disposition of all types of commercial properties (with special focus in hotels and franchise properties), handling the preparation and negotiation of purchase and sale agreements, brokerage, marketing and management agreements.

Brigitte works in all areas of commercial finance and asset-based lending transactions with special focus in hotel transactions and franchise transactions involving fast food restaurants, convenience stores and gas stations, including the financing of sale-leaseback transactions involving portfolios of multiple properties in numerous states.

In the defaulted loan, workout and restructure context, Brigitte has substantial experience representing lenders, servicers and borrowers in problem loan transactions, including forbearance and settlement agreements, modifications and workouts, property dispositions in the receivership and bankruptcy context, property substitutions, deed in lieu agreements, foreclosures and post-petition debtor-in-possession financing.

Brigitte is a member of the firm's Policy Committee, Partners Committee and Professional Development Committee, a recurring past member of the Associates Committee and the former Dallas Hiring Partner from 2001 to 2005. She is also a member of the Economic Recovery/Governmental Opportunities Task Force and the Subprime and Distressed Assets practice group.

REPRESENTATIVE EXPERIENCE

- Click here to view Brigitte's Franchise Representative Transactions
- Representation of lenders and borrowers in mortgage loan and sale-leaseback financing transactions in multiple states involving all types of commercial properties, including hotels and franchise properties

INDUSTRIES

Banking/Financial Services
Franchise
Hospitality and Hotels
Real Estate
Restaurant

PRACTICES

Banking/Financial Services
Corporate
Debt Financing
Economic Recovery and Government Opportunities
Project Finance
Real Estate
Real Estate Finance/Capital Markets
Structured Finance and Securitization
Subprime and Distressed Assets

EDUCATION

JD, 1986, Southern Methodist University
Dedman School of Law
BBA, 1983, *with honors*, The University of Texas at Austin, Dean's List, Golden Key Honor Society
Abitur, 1980, Gymnasium Osdorf, Hamburg, Germany (Scientific Mathematical High School - 13 Years)

ADMISSIONS

Texas 1986

LANGUAGES

Fluent German

Brigitte Gawenda Kimichik

Conversational French

- Representation of lenders and servicers in defaulted loan transactions, including forbearance agreements and standstill agreements, and ultimate successful restructuring of collateral and underlying debt, including substitutions of collateral to improve loan to value ratios
- Representation of servicer in receivership of borrower and resulting asset sale/liquidation of borrower's 112 restaurants located in multiple states, including resolution of vendor disputes, seizures of personal property contemplated by taxing authorities, mechanic's liens claims, franchisor claims and landlord litigation affecting underlying leasehold properties
- Representation of investors and lenders in connection with the acquisition and disposition of troubled loans and the conduct of related due diligence

PUBLICATIONS

- Rescuing Underwater Real Property (October 2011)
- "Purchasing Loans? Ten Warning Signs for Investors," *Private Mortgage Finance Association* (February 2010)
- "12 Ways to Get Lenders to Call Back," *Scotsman Guide* (October 2009)
- CMBS Counselor - Spring 2006

PROFESSIONAL RECOGNITION

- Received the "Texas Most Powerful and Influential Women Award" from the Texas Diversity Leadership Counsel (2012)
- Profiled as one of "Texas' Top Rated Lawyers" by *ALM* in Real Estate (2012)

BRIEFINGS, SEMINARS & SPEECHES

- "Special Properties, Speical Problems," Inaugural Trigild Spring Conference on "Preserving Going Concern Value," (April 24, 2012)
- "Managing Small Balance Loans," Trigild Conference on "Lighting the Tunnel," San Diego, California (October 22, 2010)
- "Dealing with Businesses in Distress: Minimizing Risks and Maximizing Opportunities," Andrews Kurth Panel Presentation (June 2, 2009)
- "Structuring Commercial Real Estate Workouts," (May 15, 2009)
- "Asset Disposition" and "Receivership," Trigild Lender Conference on "Strategies for Non-Performing Loans," San Diego, California (November 3, 2005)
- "Tenant Lease Considerations in Bankruptcy," Corporate Revitalization Partners LLC Conference (June 21, 2002)
- "Legal Due Diligence Considerations From a Purchaser and Lender Perspective," 2000 C-Store and Retail Petroleum Symposium, Atlanta, Georgia (February 9, 2000)
- "Top 10 Issues Negotiated in Securities Lending Transactions," 14th Annual Real Estate Law Conference (July 23-24, 1998)

AFFILIATIONS

- State Bar of Texas
- American Bar Association

Brigitte Gawenda Kimichik

- Wednesday's Child Benefit Corporation, Volunteer and Former Board Member
- Child Protective Services, Volunteer

PRESS RELEASES

- Andrews Kurth Announces 2011-2012 Policy Committee Election (August 2, 2011)
- Andrews Kurth Announces 2010-2011 Policy Committee Election (August 10, 2010)