

This is your Release #30 (July 2010)

Equipment Leasing— Leveraged Leasing

Fourth Edition

Edited by
Ian Shrank & Arnold G. Gough, Jr.

Leading experts in the field of equipment leasing have updated the treatise with in-depth analysis, practical information, and the latest changes in the law. Among the highlights in this Release #30:

Under CERCLA, **owners of polluting equipment and facilities** are responsible for clean-up costs, regardless of fault or negligence. There remains a conflict within the federal courts as to **when a trustee will be deemed an “owner” for CERCLA purposes**. *See* § 9:6.3. The recent trend of **mergers and consolidations** within the banking industry has important implications for the **rights of the trustee** that every trust agreement should contemplate. *See* revised § 9:7.5.

Chapter 12 reports several recent cases addressing **insurance issues arising under equipment leases**, including **workers’ compensation coverage in third-party insurance policies** (*see* § 12:4.3[C][1]); a **loss payee’s right to recover** when the insured’s acts invalidate the policy (*see* § 12:5.1[A][2]); **lender’s loss payable endorsement** providing for notice of cancellation (*see* § 12:5.1[A][3]); and priority of application where two primary policies both contain **excess “other insurance” clauses** (*see* § 12:5.1[B]).

The **American Recovery and Reinvestment Act of 2009** and a number of pending pieces of legislation intended to extend certain benefits beyond ARRA’s sunset provisions have had a substantial impact on **municipal leasing transactions**. *See new* § 26:2.2 for a discussion of the suspension of the **alternative minimum tax** on certain tax-exempt bonds; the expansion of the 2% de minimis rule; **Recovery Zone Facility Bonds** and the restrictive provisions governing what types of projects can be financed with them; **Build America Bonds**; and a variety of other tax-credit bonds. ARRA requirements regarding

(continued on reverse)

Practising Law Institute
810 Seventh Avenue
New York, New York 10019
#26253

the application of federal Davis-Bacon **prevailing wage standards** to projects financed with proceeds from certain types of bonds are spelled out in § 26:4.6.

Chapter 29, **Documentation**, has been expanded with the addition of an extensive discussion of **termination of leveraged leases**. *New § 29:12.1* covers **end-of-term termination**, both with purchase option and with return of assets, and examines which provisions of the original lease documentation should survive, legal fees, representations, transfer taxes, and closing documents. The author also addresses issues that arise in the various sorts of **early termination**, from determining termination value, to liquidation of defeasance, indemnity survival, and simple, direct payment of looped loans. *New § 29:12.3[A]–[B]* is devoted to one of the latest phenomena in leasing, the “**Menendez risk**.”

With this release, the **Table of Authorities** has also been updated.

Practising Law Institute is proud to present the definitive book on equipment leasing. If you have questions about this product, or would like information on our other products, please contact customer service at (800) 260-4PLI.

FILING INSTRUCTIONS

**Equipment Leasing–
Leveraged Leasing**

Fourth Edition

**Release #30
July 2010**

**REMOVE OLD PAGES
NUMBERED**

VOLUME 1

- Title page to lxiii
- 9-1 to 9-26
- 12-1 to 12-46

VOLUME 2

- Title page to lxi
- 26-1 to App. 26A-8

VOLUME 3

- Title page to lxi
- 29-1 to 29-179
- T-1 to T-103

**REPLACE WITH NEW
PAGES NUMBERED**

VOLUME 1

- Title page to lxix
- 9-1 to 9-26
- 12-1 to 12-46

VOLUME 2

- Title page to lxii
- 26-1 to App. 26A-8

VOLUME 3

- Title page to lxii
- 29-1 to 29-190
- T-1 to T-113

Practising Law Institute
810 Seventh Avenue
New York, New York 10019
#26253

