

# MARKS & WEINBERG, P.C.

## **City Food Mart, Inc. v. Bell Atlantic Tricon Leasing Corporation**

460 S.E.2d 525 (Ga. App. 6/27/95)

Lessor sued lessee and guarantor. Lessee and Guarantor unsuccessfully alleged (1) that the lease was a disguised security interest (there was no purchase option), (2) that the liquidated damages constituted a penalty and the lessor should have mitigated damages, (3) that the lease was usurious and (4) that the lessor should have acted more quickly to recover the collateral. In the event the underlying transaction were determined to be a disguised security interest, statutory rules of Article 9 would have governed the reasonableness of Lessor's foreclosure activities.

Marks & Weinberg, PC is a law firm with significant experience in dealing with virtually every type of equipment and facility lease financing. The lawyers of the firm have participated in leasing financings for more than a billion dollars of equipment and are recognized throughout the industry. If you would like more cases or articles on leasing, or have any questions or comments about this Article or other leasing issues, please visit [leaselawyer.com](http://leaselawyer.com) or contact Barry Marks at 205.251.8303 or Ken Weinberg at 205.251.8307.

