ITS ALL ABOUT **TRUST**

**ESCROW IN YACHT TRANSACTIONS**

Marine Money
Superyacht Finance Forum Monaco 2019

**Henning Schwarzkopf, M.C.L.**
**Bransom Bean**

**Schwarzkopf Law**
Hamburg - Antibes

[www.schwarzkopf-law.com](http://www.schwarzkopf-law.com)
OUR AGENDA TODAY

• Introduction  Schwarzkopf Law
• Escrow and its universal benefits
• Using escrow in yacht transactions why not??
• Places you can trust
• Wrapup
• Questions
SCHWARZKOPF LAW

- Based in Hamburg and Antibes
- Founder - Henning Schwarzkopf, M.C.L. licensed Germany and France
- Director - Bransom Bean – Isle of Man and Antibes
- Offices - Hong Kong, Shanghai, Singapore and Isle of Man
- Shanghai Office headed by a Chinese law professor and maritime lawyer
- Focus:
  - Maritime law
  - Domestic and cross-border escrow services
  - Facilitating entry into China – “China Inbound“
But, Truly Independent Escrow??

Established, recognised and widely-used:

- Commercial Shipping
- Commercial and Private Aircraft
- Real Estate
- Commodities
- Art

But not in yachts?
How it’s “done” now in yachts

It’s a matter of trust –

“But Yesterday, and for the last 20 years, weren’t you representing her?”

Just let –

• the broker do it – use their own “Trust accounts“ with inherent risks
• the lawyer do it – “represent“ BOTH parties
• the banker do it
True Escrow

• Sale and purchase, charter, leasing and bunkers

• Contracting parties engage an independent escrow agent
  – should be familiar with the industry and the transaction

• Contracting parties and escrow agent enter into an escrow agreement
  – clear instructions for receipt, management and disbursement of the funds and title

Our yacht escrow options:

• Hamburg: Escrow account with German banks

• Hong Kong and Singapore: Escrow account with local banks

• Antibes: Escrow account with CARPA
Examples

• The Mistral Matter
• Tokyo rose
Summary

• Escrow eliminates risk of lost funds
• Essential in any transaction where parties do not know/trust each other
• Global everywhere except in yacht transactions
• Inexpensive

MOST OF ALL,

Escrow promotes TRUST
QUESTIONS??

... and thank you for your attention.

info@schwarzkkopf-law.com
www.schwarzkkopf-law.com