

03 August 2018

## Hospital exit: Luther advises Spitalfonds Waldshut

**Spitalfonds Waldshut has transferred its majority stake in Spitäler Hochrhein GmbH completely to the district of Waldshut. Since July 1, 2018, the district has been the sole sponsor of Spitäler Hochrhein GmbH. The withdrawal of the town of Waldshut-Tiengen, whose municipal council also acts as an organ of the hospital fund, has thus also been completed. A team from Luther Rechtsanwaltsgesellschaft advised the city and the hospital fund on the complex exit.**

Negotiations on the city's exit from the loss-making Hochrhein Hospitals GmbH lasted for more than two years, at times even an insolvency of the company was under discussion. Politically the topic was discussed controversially in the participating committees. The population was engaged in an emotional debate. In the end, they agreed on an exit of the city and the hospital fund. The fund is a local charitable foundation, which originated in 1411.

"The mandate was very demanding, as the exit had to be structured both under tax law under the premises of the non-profit character of the hospital fund and under foundation law due to the earmarking of the foundation assets," says Dr. Oliver Kairies, partner of Luther Rechtsanwaltsgesellschaft in Hanover. "The team was able to draw on extensive experience in the hospital sector - both with regard to the structures on the health market and the regulatory conditions." In addition, the Luther team also solved challenges in real estate law: Until a planned central hospital goes into operation, the district will remain the owner of the hospital building by way of heritable building rights, while the land will continue to belong to the hospital fund.

## **For the city Waldshut-Tiengen and Spitalfonds Waldshut**

Luther, corporate / M&A, hospital law: Dr. Oliver Kairies (Partner; lead), Dr. Daniel Schubmann, Dr. Hendrik Sehy (all Hanover)

Luther, tax: Jens Röhrbein (Partner), Elena Duderstadt (both Hanover)

Luther, real estate: Dr. Katja Schwenzfeier (Partner, Berlin)

Luther, labour law: Sebastian Fedder (Partner, Hamburg)

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### **Brief Profile Luther**

Luther is a leading German commercial law firm that offers comprehensive legal and tax services. The full-service law firm employs more than 350 lawyers and tax advisors and is represented at 10 German economic centres and at important investment locations and financial centres in Europe and Asia with international offices in Brussels, London, Luxembourg, Shanghai, Singapore and Yangon. Our clients are medium-sized enterprises and large corporations, as well as the public sector.

Luther works closely with other commercial law firms in all the prevailing jurisdictions worldwide. On the Continent, Luther is part of a group of independent leading law firms who have worked together for many years on joint cross-border projects.

Luther Rechtsanwaltsgesellschaft mbH is a law firm with a business approach: our innovative awareness aspires us to provide our clients with customised legal advice that addresses individual needs and delivers the greatest possible economic benefit.

Our lawyers and tax advisors have a solid understanding of interdisciplinary matters and a wealth of experience in collaborating on complex tasks. Further information is available at: [www.luther-lawfirm.com](http://www.luther-lawfirm.com)

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