



BRIAN J. KLEIN

Partner

brian.klein@maslon.com

Phone: 612.672.8324 | Fax: 612.642.8324

OVERVIEW

Brian Klein has extensive experience representing banks, insurance companies, and other capital providers in all forms of commercial financing transactions, including large loan syndications. These include the areas of general commercial lending, asset-based lending, mezzanine/second-lien loans, real estate term and construction financing, indenture trustee representation, project finance, equipment leasing, and chattel paper warehouse financing. Brian has also served as lead counsel on numerous transactions involving the structuring and documenting of syndicated secured loans, management contracts, and other commercial agreements with Indian tribes located in the United States and Canada.

Brian's practice further includes significant representation of lenders and corporate trustees in workout and restructuring matters. These matters include representation of indenture trustees in defaulted municipal and corporate bond issuances, collateralized debt obligations, and mortgage-backed securities, together with trust instruction proceedings related to the administration of corporate trusts.

Brian is also a member of Maslon's Real Estate Group and has represented owners in all aspects of commercial real estate, including acquisition, leasing, and financing matters.

SELECTED EXPERIENCE

Has represented:

- National bank as agent in \$500 million secured syndicated revolving loan facility to an oil and gas jobber and operator of multi-state chain of convenience stores.
- National lender in connection with a \$110 million syndicated warehouse credit facility to a residential contractor finance company, secured by portfolio of mortgage loans.
- National lender in connection with a \$40 million real estate acquisition and construction financing for a Las Vegas condominium project.

AREAS OF PRACTICE

Financial Services

- Commercial Loan Documentation
- Corporate Trust Representation
- Loan Workouts, Creditor Remedies & Bankruptcy Representation

Real Estate

- Acquisitions, Sales & Exchanges
- Real Estate Financing

BAR ADMISSIONS

Minnesota

North Dakota

EDUCATION

University of North Dakota School of Law
J.D., *with distinction*, 1988

Honors: Order of the Coif

University of North Dakota

B.B.A., *magna cum laude*, 1985

Banking and Finance

- National asset-based lender in connection with the workout of a large asset-based credit facility to a multi-state food processing company.
- Hedge fund in workout of several large corporate dairy farmers in the southeastern United States.
- Indenture Trustee in bankruptcy and reorganization of large wireless telecommunications company involving conversion of existing notes to equity and issuance of new high yield notes.
- Indenture Trustee in workout and bankruptcy restructuring of public bond issuance to oil and gas developer secured by oil and gas interests in multiple jurisdictions.
- Indenture Trustee with respect to foreclosure of real estate project and collection of municipal bond issuance, with related trust instruction proceeding.
- Real estate developer in connection with the acquisition, redevelopment, and leasing of a retail strip center.
- Investment underwriter in connection with the placement and underwriting of project financing for a Native American gaming enterprise.
- Indian gaming management company involving the negotiation of development, management, and financing agreements with a Native American Tribe for the development of a gaming enterprise and related amenities.

LEADERSHIP & COMMUNITY

- Minnesota State Bar Association: Banking Law Section; Bankruptcy Law Section
- State Bar Association of North Dakota
- Hennepin County Bar Association
- American Bankruptcy Institute
- Association for Corporate Growth, Minnesota: Board 2010-present; President 2014; President Elect 2013; Vice President of Programming 2010-2012
- Turnaround Management Association – Minnesota Chapter: Past President and Board Member
- Commercial Finance Association: Minnesota Chapter

SELECTED PRESENTATIONS

- "Liens on Real Property" and "Advanced Foreclosure Issues," Advanced Real Estate Law, National Business Institute, 2013
- "Advanced Real Estate and Foreclosure Law," National Business Institute, 2012
- "Commercial Real Estate: Capital Markets Update and Alternatives for Real Estate in Business Combinations," panelist, Association for Corporate Growth, 2011
- "Boot Camp: Foreclosure and Loan Workout Procedures," National Business Institute, 2011
- "Selling Your Collateral in Chapter 11 Bankruptcy: Section 363's Faster, Cheaper Approach Is at Risk," Maslon Speaker Series, 2009
- "Successful Commercial Real Estate Financing Techniques," National Business Institute, 2006
- "Troubled Loan Workouts under the New Bankruptcy Law," Turnaround Management Association, 2006
- "Structuring the Commercial Loan in Minnesota," National Business Institute, 2004
- "Commercial Loan and Commercial Real Estate Documentation," Risk Management Association, 2003
- "Commercial Lending in Minnesota," National Business Institute, 2002