

# Snell & Wilmer

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## **Brian W. Burke**

Partner | Phoenix

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## **Main Bio**

Brian Burke has worked extensively within the capital and private equity markets. During the course of his career, Brian has worked closely with leading institutional clients, on a national scale, in the negotiation and preparation of secured and unsecured debt facilities and other structured finance offerings.

Brian began his legal career at the New York City office of Cadwalader, Wickersham & Taft LLP. In his time at Cadwalader, he completed in excess of 70 public residential prime mortgage-backed and asset-backed securitizations, with pool sizes ranging from approximately \$150 million to \$1.25 billion. Thereafter, Brian took a position at the Phoenix office of Snell & Wilmer, where he expanded his practice area into additional forms of securitizations and asset-backed quasi- and full-financing arrangements, including secured and unsecured revolving credit facilities. He has worked closely with institutional borrowers, developing approaches to interim financing arrangements to achieve true sale, regulatory and accounting objectives.

## **Representative Transactions**

### ***Secondary Markets***

- \$275 million private receivables securitization for a large private transportation company
- \$250 million private receivables securitization for a large national trucking public company
- 15 private sub-prime retail installment contract securitizations, with pool sizes ranging from approximately \$150 million to \$300 million for a large national auto dealer and finance company; true sale opinions delivered (March 2004 through present)
- Negotiation of mortgage loan purchase agreements and associated trade documents for whole-loan mortgage sales, with pool sizes ranging from approximately \$150 million to \$300 million (March 2004 through present)
- Over 70 public residential prime mortgage-backed and asset-backed securitizations, with pool sizes ranging from approximately \$150 million to \$1.25 billion; true sale opinions delivered (January 2001 through March 2004)

### ***Credit Facilities and Debt Offerings***

- \$200 million senior secured notes for an integrated car sales and financing company
- \$125 million revolving CP financing facility (sub-prime retail installment contracts)
- \$50 million revolving CP financing facility (sub-prime retail installment contracts)
- \$350 million term and revolving CP facility financing facility (receivables and residual interests)

- \$150 million revolving CP financing facility (sub-prime retail installment contracts)
- \$500 million asset-based financing facility (sub-prime retail installment contracts)
- \$60 million secured inventory facility (automobile inventory)
- \$60 million securities repurchase facility (securitized bonds)
- \$1.1 billion warehouse facility refinancing and recapitalization
- \$50 million new markets tax credits financing for a boutique hotel
- \$135 million private unsecured notes exchange offering
- \$50 million note and warrant purchase transaction
- \$202 million acquisition and development loan for state fund land purchase
- Flow gestation bulk sales facility (sub-prime residential mortgages)
- Flow gestation bulk sales facility (CRA mortgages)
- Flow early purchase facility (Alt-A residential mortgages)
- \$550 million unsecured revolving credit facility
- Flow gestation bulk sales facility (Alt-A residential mortgages)
- \$80 million private unsecured notes offering
- \$200 million secured warehouse facility (Alt-A residential mortgages)
- \$175 million secured warehouse facility (sub-prime retail installment contracts)
- \$75 million secured residual facility (securitization residual interests)
- \$45 million secured inventory facility (automobile inventory)
- \$200 million secured warehouse facility (Alt-A residential mortgages)

## Education

- Syracuse University College of Law (J.D., 2000)
  - Lead Articles Editor, Syracuse Law Review
- Loyola Marymount University (B.A. Business Administration, 1995)

## Representative Presentations & Publications

- "[The Federal Government: America's Most Liquid Lender](#)," Co-Author, The Corporate Communicator (November 2009)
- "[Structuring Transactions in this Economy: Raising Private Equity](#)," Co-Author, Colorado Real Estate Journal (July 1-14, 2009)
- "[Fund Formation Basics: Early Considerations for Structuring a Real Estate Fund](#)," Co-Author, The Corporate Communicator (May 2009)
- "[Raising Money in a Down Market: Beware Unregistered Broker-Dealers](#)," Co-Author, The Corporate Communicator (May 2009)
- "[Treasury Releases Terms for Rescue of Private Banks and Savings & Loans](#)," Co-Author, Legal Alert (November 2008)
- "[Loan Originators May Be on the Hook When Loans Go Sour](#)," Quoted, In Business Las Vegas (June 2007)

## Professional Recognition & Awards

- The Best Lawyers in America®, Corporate Law (2023)

## **Previous Professional Experience**

- Cadwalader, Wickersham & Taft, LLP, Associate, New York, New York

## **Bar Admissions**

- Arizona
- New York

## **Court Admissions**

- Supreme Court of Arizona
- Supreme Court of New York

## **Client News**

- Snell & Wilmer Advises Ownership Group of the San Francisco Galleria Park Hotel in Connection With a \$36 Million Refinance