

Donald J. Kirkpatrick

PARTNER

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Don leverages many years of experience representing financial services clients to provide innovative and efficient paths to closing commercial finance, real estate finance and public finance transactions.

Don combines experience as in-house counsel to a national bank with extensive experience advising financial institutions as outside counsel. He documents and negotiates bilateral and syndicated senior secured credit facilities, real estate secured credit facilities, letter of credit enhanced credit facilities, tax-credit facilities and private placement bond facilities. Don has extensive and unique experience representing banks that purchase private placement bonds for the benefit of educational and health care institutions, as well as representing banks engaged in real estate financing enhanced by public finance mechanisms such as tax-increment financing, community improvement districts and issuance of bonds for tax-savings and tax abatement purposes. Don's experience extends to counsel in workouts and restructuring troubled credits.

Through collaboration with his financial services clients, Don strives to document credit transactions in a manner that provides the level of protection from credit risk that his clients require while avoiding issues and provisions that only lead to protracted and unnecessary negotiation. Don serves as a co-chair of the firm's commercial lending practice group.

PRACTICES & INDUSTRIES

Banking & Financial Services
Agribusiness
Commercial Lending
Income Tax
Public/Private Partnerships, Finance & Incentives
Real Estate Lending
Distressed Commercial Real Estate

ADMISSIONS

Kansas, 1986
Missouri, 1987

EDUCATION

University of Missouri-Kansas City, J.D., 1986

- Order of the Bench and Robe
- *UMKC Law Review*, Articles Editor

Baylor University, B.B.A., Economics, 1983

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EXPERIENCE

Don has recently counseled administrative agents and lenders with respect to a \$180 million senior secured credit facility to an agribusiness company, a \$175 million senior credit facility to a professional services company and a \$100 million senior secured credit facility to a grain and seed storage and merchandising company.

In the real estate finance arena, administrative agents and lenders have recently relied upon Don's counsel in connection with a \$157,937,799 construction loan to finance the costs of construction of a 2,399,200 square foot industrial distribution facility in Grand Prairie, Texas, a \$57 million term loan financing to refinance construction costs of Valencia Office Tower on Country Club Plaza in Kansas City, Missouri and a \$63 million construction loan to finance costs of construction of a 353 unit multifamily housing complex in downtown Denver, Colorado.

Banks engaging in bond finance have relied upon Don for counsel with respect to the providing of a Standby Bond Purchase Agreement related to \$90 million Development Finance Board Variable Rate Demand Cultural Facilities Revenue Bonds issued to finance construction costs of a performing arts center, the purchase of \$74,975,000 Health and Educational Facilities Authority of the State of Missouri Variable Rate Demand Health Facilities Revenue Bonds issued to improve hospital facilities and the purchase of \$50 million Rate Demand Health Facilities Revenue Bonds issued to improve hospital facilities.

Affordable housing lenders with respect to low-income tax credit loans secured by projects enhanced by multiple subordinate sources of funds have recently engaged Don to provide counsel with respect to a \$6,234,000 low-income housing tax credit construction loan converting to term loan for a 50 unit affordable rental housing project in St. Louis, Missouri, a \$7,156,000 low-income housing tax credit construction loan converting to term loan financing for a 60 unit affordable housing project in Gaffney, South Carolina and a \$9,800,000 low-income housing tax credit construction loan converting to term loan financing for a 54 unit affordable housing project in Indianapolis, Indiana.

RECOGNITIONS

Selected to the 2023, 2024 editions of *Best Lawyers in America*©

PROFESSIONAL & CIVIC ACTIVITIES

American Bar Association

Kansas Bar Association

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The Missouri Bar

Jackson County CASA, Board of Directors

NEWS

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