

# Mark D. Ovington

## PARTNER

mark.ovington@stinson.com

Direct: 816.691.2444

Office: Kansas City



**Mark has over 25 years' experience representing borrowers and lenders in complex debt financing transactions. Mark also advises creditors and service providers on consumer credit products, including multistate consumer credit transactions.**

Mark has served as lead lender's or borrower's counsel in transactions involving large syndicated loans, middle market loans, private equity loans, acquisition financings, asset-based loans, special purpose entity financings, recapitalization loans, real estate financings, bond transactions and margin loans. Mark also frequently represents creditors on consumer credit product development and compliance issues.

Mark's financing experience encompasses various industry sectors, including manufacturing, restaurant chains, agribusiness, retail, health care, radio broadcasting, consumer credit providers, technology companies and REITs. Mark has extensively advised clients on complex UCC Article 9 secured transactions issues, and has published numerous articles in the field. Mark also has a background in forbearance agreements and loan workouts. He also frequently negotiates loan participation agreements and subordination and intercreditor agreements.

## PRACTICES & INDUSTRIES

- Banking & Financial Services
- Commercial Lending
- Bank M&A and Capital Markets
- Real Estate Investment Trusts
- Real Estate Lending
- Private Business

## ADMISSIONS

- Missouri, 1987
- Kansas, 2000

## EDUCATION

- Vanderbilt University, J.D., 1987
- Washington University, B.A., 1981

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# Mark D. Ovington

## EXPERIENCE

- \$1.4 billion revolving credit and term loan to publicly traded REIT (represented borrower)
- Numerous \$100+ million rounds of private placement notes to public companies (borrower)
- \$2.75 billion revolving credit facility to public company (borrower)
- \$300 million revolving credit facility to private company (borrower)
- \$120 million term loan to private company (lender)
- \$52 million credit facility to private manufacturing company (lender)
- \$165 million credit facility to agribusiness company (lender)
- \$30 million revolving credit and term loan facility to agribusiness company (lender)
- \$75 million revolving credit and term loan facility (borrower)
- \$100 million alternative letter of credit facility to public company (borrower)
- \$150 million revolving credit facility to public company (borrower)
- Represented various non-institutional lenders in debt investments in strategic partners

## PROFESSIONAL & CIVIC ACTIVITIES

- The Missouri Bar
- Kansas Bar Association

## PUBLICATIONS

Mark has published over 20 articles on commercial law matters. He is a frequent contributor to Clarks' Secured Transactions Monthly. Recent articles include:

- *"Financing Fixtures: A Refresher Course,"* Clarks' Secured Transactions Monthly, Vol. 35, No. 1, January 2019
- *"LLC Membership Interests as Collateral,"* Clarks' Secured Transactions Monthly, Vol. 34, No. 4; April 2018
- *Co-Author, "Spousal Guarantees: Eighth Circuit Rules that Guarantors are not 'Applicants' under the Equal Credit Opportunity Act; Supreme Court Could be Next Step."* Clarks' Secured Transactions Monthly, Vol. 30, No. 8, August 2014