



Derek T. Marks

Counsel

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Related Services

Finance ■ Corporate & Finance ■ Capital Markets & Securities ■ Structured & Warehouse Finance ■ Asset-Based Lending ■ Equipment Leasing ■ Financial Services ■ Corporate Debt Finance

Derek Marks represents financial institutions, investment firms, lenders, and borrowers in negotiating and structuring complex syndicated and bilateral financing transactions. He has particular experience in the execution of structured transactions related to rail and aviation assets.

Derek previously worked for seven years as in-house senior counsel for the world's largest equipment leasing and finance company, with an asset portfolio of over \$42 billion, where he led negotiations of vendor program agreements and drafted asset-based lending, floor plan, and revolving credit facilities.

Derek was named a "Rising Star" in 2020 and 2022 in Rail and Road Finance and a "Next Generation Lawyer" in 2018 by *The Legal 500*.

Representative Experience

- Represented a national bank on issues regarding a \$250 million portfolio of asset-based lending facilities.
- Advised a national bank holding company in documenting an \$80 million sponsor-backed credit facility secured inter alios by multiple helicopters.
- Drafted documentation and negotiated bilateral floor plan facilities on behalf of a national bank with borrowers in the automotive and heavy equipment industries.
- Counsel and negotiator on behalf of a regional bank related to bilateral middle-market credit facilities.
- Advised an investment bank on syndicated floor plan credit facilities for automotive dealers.
- Represented a national finance company on the securitization of aircraft loans and finance leases.
- Counseled a financial services company on originating, purchasing, and securitizing heavy equipment financing transactions.
- Advised railcar lessors, investment funds, and finance companies regarding negotiation of portfolio sale agreements for rolling stock.
- Represented a borrower-side fund client regarding credit facilities for commercial passenger and freighter aircraft, including advice on issues regarding the FAA and International Registry.
- Represented an issuer regarding an \$800 million securitization of royalties backed by an entertainment contract.

- Negotiated operating leases, finance leases, and purchase and sale agreements on behalf of the largest rail equipment operating lessor in North America.
- Negotiated portfolio sale agreements for the sale of business aircraft and rolling stock assets and the assignment of underlying leases to multiple commercial buyers for a total value of \$200 million.
- Represented a private equity sponsor in the acquisition of an air ambulance company and following negotiation of a credit facility with a financial institution.
- Represented an independent aviation services provider in the sale of a commercial aircraft engine.

Publications & Presentations

Presentations

- “Hot Topics and Trends in Leasing Transactions,” Legal Forum 2024, Equipment Leasing and Finance Association, Scottsdale, AZ, May 6, 2024.

Education

- Villanova University (J.D., 2008)
- American University (B.S.B.A., 2002)

Admitted to Practice

- North Carolina
- Pennsylvania