

Rusty A. Fleming

Partner

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Rusty Fleming represents lenders and commercial real estate developers in a variety of transactions across the United States.

For lenders, Rusty routinely assists with syndicated and single-lender credit facilities, CMBS loans, bridge loans, life co. balance sheet loans, mezzanine loans and various loan servicing matters. He also represents lenders active in the convenience/retail petroleum industry and restaurant industry providing acquisition, working capital, letter of credit facilities, and other types of financing.

For commercial real estate developers, Rusty handles the acquisition, disposition, development, and financing of an array of different asset types that include office buildings, market-rate apartments, retail, and hotel properties.

Experience

The following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

Experience

- Has closed hundreds of transactions while representing national commercial mortgage backed securities and other fixed-income lenders
- Handled a variety of issues surrounding the capital markets industry, including cash management, syndicate tenant-in-common arrangements, hyper-amortization and other structured arrangements
- Represented administrative agents and lead arrangers in syndicated corporate and ABL credit facilities
- Designed and implemented new loan programs
- Has handled loan servicing matters, whole loan sales, table funding arrangements and issues surrounding securitization

Education

Cumberland Law School of Samford University, JD (2002)

- Editor in Chief, Cumberland Law Review
- Henry Upson Moot Court Board Member

Samford University, MBA (2002)

Winthrop University, BA (1998)

Admissions

Georgia

Texas

Mississippi

New York

Clerkships

The Honorable James D. Todd, Chief Judge, U.S. District Court for the Western District of Tennessee (2002 - 2003)

Practice Areas

[Corporate Leveraged Finance](#)

[Real Estate Capital Markets](#)

Industries

Representative Transactions

- Represented national lender in \$48 million term loan and \$12 million revolving loan facilities secured by 56 convenience and gas stations in Colorado and Oklahoma
- Represented administrative agent in closing and syndication of \$26.5 million term loan and \$7 million revolving loan facilities secured by 48 casual dining restaurants in Georgia and Texas
- Represented CMBS lender in a \$28.7 million loan secured by a regional mall in Georgia
- Represented national lender in a \$35 million term loan facility secured by 44 casual dining restaurants in eight states in the Southeast and Midwest
- Represented national lender in \$14 million term loan, \$4 million revolving loan, and \$9 million revolving loan facilities secured by 35 convenience and gas stations in Colorado, Kansas, and Nebraska
- Represented CMBS lender in senior a \$15 million loan secured by an office complex in Tennessee and represented mezzanine lender in a related \$3 million mezzanine financing

Previous Professional Experience

- Partner, Atlanta law firm (2007-2009, 2011-2015)
- The Rusty A. Fleming Law Firm, LLC (2009-2011)
- Structured finance associate, Dallas law firm
- Commercial real estate and gaming associate, Mississippi law firm

Educational Activities

- Cumberland Law School of Samford University
 - Abraham Caruthers Teaching Fellow

Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- [The Best Lawyers in America®](#), Real Estate Law (2024–2026)
- Fellow, American College of Mortgage Attorneys
- [Chambers USA](#): America's Leading Lawyers for Business - Listed as a top lawyer in Banking & Finance (2009)

Professional Activities

[Banking & Financial Services](#)[Real Estate](#)[Gaming](#)

- New York State Bar Association
- State Bar of Georgia
 - Real Property Law Section Executive Committee member
- State Bar of Texas
- The Mississippi Bar Association
- CRE Finance Council
 - Member, Education Committee
- NACS, the Association for Convenience & Petroleum Retailing
- Georgia Association of Convenience Stores
- Mortgage Bankers Association

Leadership

- Co-leader of Nelson Mullins' Real Estate Capital Markets Group.

Articles & Speeches

Events/Speaking Engagements

[12th Real Estate Mezzanine Financing Summit](#)(May 4, 2022)

[IMN Real Estate Mezzanine Financing & High-Yield Debt Forum: Land Acquisition, Pre-Construction and Construction Loans-](#) Speaker (November 7, 2019)

[A Downturn is Inevitable: Insights from Industry Leaders on How to Prepare-](#) Moderator (August 22, 2019)

[9th Real Estate Mezzanine Financing Summit: The Rise of the Debt Funds-](#) Panelist (May 7, 2019)

[IMN's Real Estate Mezzanine & High Yield Debt Forum-](#) Attendee (November 13, 2018)

[Using LinkedIn to Enhance Your Professional Network-](#) Discussion Group Leader (August 16, 2018)

[Nelson Mullins Team to Address 8th Real Estate Mezzanine Financing Summit-](#) Panelist (June 7, 2018)

[Challenges and Opportunities in Multi-Family Finance , *CREFC After Work Seminar*-](#) Speaker (September 18, 2014)

[Borrower 2.0 – Lender Perspective on Borrower Profiles and Issues in Today's Market , *CRE Finance Council After Work Seminar*-](#) Speaker (April 18, 2013)

Blogs

[Sale-Leaseback Transactions with Bill Nicholson](#), The Deal Junkies Podcast - Commentator (September 10, 2019)

[Multi-family Report and Insights with Blake Janover](#), The Deal Junkies Podcast - Commentator (August 1, 2019)

[CREFC 2019 Report, More Retail Closures, LIBOR Update and a New Co-Host](#), The Deal Junkies Podcast - Commentator (June 25, 2019)

[Interviews and Insights from MBA/CREF 2019](#), The Deal Junkies Podcast - Commentator (February 20, 2019)