



→ Colleen H. McDonald

Partner

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Colleen McDonald is a partner in the Finance Group and Managing Partner of the firm's San Francisco office.

Areas of Practice

Colleen is a seasoned securitization and structured finance attorney with significant market know-how in terms of both working capital financing and capital markets transactions. Colleen works with banks, marketplace lenders and alternative capital providers, fintech companies, sellers and investors to structure debt transactions utilizing cash-flow generating assets in all stages of development. Colleen, and her colleagues in Sheppard Mullin's Financial Services Group, help clients' navigate the U.S. regulatory structure particularly as it relates to lending products.

Colleen advises financial companies in developing receivable products as well as advising on the appropriate organizational structures to own the assets with a view to optimizing access to earlier-stage financing, such as warehouse lines, and eventually accessing the capital markets through securitization. Colleen specializes in sales, purchases and financing of pools of residential mortgage loans, as well as a variety of other types of loan pools and receivables such as consumer loans, leases and servicing rights. In the securitization area, Colleen has represented both underwriters and issuers in a number of asset-backed securitizations involving autos, credit cards, equipment and tax liens, as well as asset-backed commercial paper programs, and medium-term note programs.

Experience

- Represent a crypto currency lender in a Luxembourg offshore securitization transaction.
- Represent purchaser Pacific Mercantile Bank in the acquisition of a \$42,000,000 pool of automobile loans, comprised of 900 loans secured by classic and collector automobiles.
- Represent mortgage loan originators with sales of pools of mortgage loans for newly originated private and agency insured mortgage loans.
- Represent sellers of mortgage servicing rights in concurrent and post-disposition servicing transfers of agency and non-agency owned mortgage loans.
- Represent lenders financing acquisition of pools of distressed residential mortgage loans.
- Represent sellers and interim servicers with mortgage servicing rights portfolio sales.
- Represent major financial institution as seller and servicer in Mortgage Loan Purchase and Servicing Agreements on servicing retained and servicing released sales.

- Represent mortgage loan originators in warehouse funding arrangements.
- Represent secured creditors in sales of loan collateral including Article 9 dispositions under the UCC.
- Represent issuers and underwriters in securitizations of motor vehicle leases and loans.
- Represent issuers in motor vehicle lease titling trust transactions.
- Represent U.S. Investors in Canadian auto and equipment backed notes.
- Represent investment bank in financing acquisition of portfolios of charged-off receivables.
- Represent credit card bank in multiple issuances of asset backed notes secured by credit card receivables (both term and variable facilities).
- Represent private equity investors and hedge funds in the acquisition of distressed loans, student loan residuals and mortgage pools.
- Represent lenders in a variety of trade receivables financings.

Articles

Corporate & Securities Law Blog Posts

- "Sheppard Submits Comments to Main Street Loan Program," April 17, 2020

Finance and Bankruptcy Law Blog Posts

- "More Trouble Ahead for the Mortgage Industry If Ginnie Mae's Risk-Based Capital Requirements Take Effect," December 19, 2022

- "CFPB Announces Foreclosure Restriction and Additional Loss Mitigation Requirements," April 19, 2021
- "AB 2501 – COVID-19 Homeowner, Tenant, and Consumer Relief Law of 2020," June 9, 2020
- "Update on the Paycheck Protection Program Liquidity Facility," May 7, 2020
- "Federal Reserve Banks and Federal Home Loan Banks May Accept Pledges of PPP Loans as Collateral," April 24, 2020
- "FHFA Aligns Freddie/Fannie Monthly Payment Advance Obligations," April 22, 2020
- "Term Asset-Backed Securities Loan Facility," April 15, 2020
- "SFA Urges the Fed to Include Non-Qualified Mortgages, MSRs and Unsecured Consumer Loans in revamped TALF," March 24, 2020
- "Mortgage Servicing in the Time of COVID-19," March 23, 2020
- "It's all about Capital," August 12, 2019
- "Will *Madden v Midland* Disrupt Loan Sales and Platform Lending?," July 19, 2016

Financial Institutions Law Blog Posts

- "California Supreme Court Opens Door For Wrongful Foreclosure Lawsuits and Challenges to Transfers of Mortgages: Practical Implications and Options Moving Forward," March 1, 2016

Speaking Engagements

"MSR Purchase & Sale Agreements," *Annual Residential Mortgage Servicing Rights Forum*, March 2018

Events

Trending Legal Issues in the Retail Industry
Webinar, 06.16.2020

The Mortgage Banking Industry – 2019 in Review and A Look Ahead Webinar
02.04.2020

Podcasts & Webinars

Trending Legal Issues in the Retail Industry
06.16.2020

Nota Bene Episode 47: It's All About Capital with Colleen McDonald
08.07.2019

Practices

Corporate
Commercial Lending and Financial Transactions
Asset Based Lending
Capital Markets
Derivatives and Structured Products

Industries

Blockchain
Blockchain and Fintech
Cannabis
Financial Services
Fintech
Mortgage Banking

Education

LL.M., University of Illinois College of Law, 1989

LL.B., University of New Brunswick, Canada, 1988

B.B.A., University of New Brunswick, Canada, 1985

Admissions

California