



## Charles A. Brake

**Retired**  
Atlanta

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### PRACTICE AREAS

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During his 35 years of practice, Charlie Brake has represented developers, investors and lenders. Prior to joining Miller & Martin, Charlie was a Partner at Alston & Bird for 17 years and then for 12 years at Hartman Simons & Wood where he served as head of the firm's Investment & Finance practice group. He has handled all aspects of the development process—land acquisition, construction issues, financing (construction and permanent loans), partnership and joint venture formation, lease negotiations; outparcel development and sales and dispositions. His clients have expertise in developing shopping centers, apartment complexes, office buildings, office parks, industrial buildings and industrial parks.

Charlie has also worked extensively with investors acquiring either direct ownership of, or equity interests in, raw land and fully or partially developed properties. His practice in this area includes representing his clients in purchasing REO and troubled loans from financial institutions. When his clients have purchased troubled loans, Charlie has then assisted them in acquiring the property through receiverships, foreclosure and deeds-in-lieu of foreclosure.

On the lending side, Charlie's practice includes both front-end loans on all property types as well as assisting his clients with troubled assets. As such, his experience includes acquisition and development, construction, rehab, permanent, mini-perm and securitized loans; sale-leaseback transactions; inter-creditor, tri-party and take-out agreements; forbearance agreements, workouts, foreclosures and deeds in-lieu of foreclosure; and sales of REO and distressed loans.

Charlie is the former Co-Chair of the firm's Commercial Department.

### EDUCATION

- J.D., Vanderbilt University School of Law, 1982
  - Order of the Coif
  - *Vanderbilt Law Review*
- B.A., *with High Distinction*, English and Economics, University of Virginia, 1977

### BAR ADMISSIONS

- Georgia

### ACCOLADES

- *Georgia Super Lawyers®* – Real Estate since 2014

- *The Best Lawyers in America*© – Real Estate Law since 2012
- *Georgia Trend* magazine – Legal Elite, 2012

## MEMBERSHIPS

- State Bar of Georgia
- International Council of Shopping Centers

## EXPERIENCE

### Development/Investment

- Represented client in the development, leasing, financing and sale of over 50 shopping centers anchored by Publix Super Markets.
- Represented client in the development, financing and sale of over 25 apartment complexes.
- Represented client in selling portfolio sale of 8 shopping centers in multiple states.
- Represented client in negotiating workout/extension of loan secured by 4 shopping centers in Georgia, Tennessee and Florida.
- Represented client in negotiating new joint venture agreement to admit new equity partner into multiple projects in various states including negotiation of management and leasing agreements.
- Represented client in the acquisition of in-town project in Jacksonville, Florida and joint venture agreement for redevelopment of same.
- Represented client in acquisition, development, financing and sale of industrial project in Orange County, Florida.
- Represented client in acquisition, financing and restructuring of loan for industrial development in Brunswick, Georgia.
- Represented client in refinancing major office complex in Atlanta, Georgia.
- Acquisition of Loan from Bank; Alpharetta, Fulton County, Georgia.
  - subsequent deed-in-lieu of foreclosure
- Acquisition of Loan from Fund secured by Office Buildings in Gwinnett County, Georgia.
  - receivership
  - subsequent foreclosure of loan
- Acquisition of Loan from Special Servicer secured by Office Buildings in Alpharetta, Georgia.
  - subsequent foreclosure on 31 tenant-in-common members
- Acquisition of Loan secured by land adjacent to major retail development.
  - subsequent foreclosure on tenants-in-common
- Acquisition/Assemblage of Residential Lots from six different Banks.
- Acquisition of Loan from Bank secured by high-end townhomes on Peachtree Street in Buckhead, Fulton County, Georgia.
  - subsequent deed-in-lieu of foreclosure
- Sale of apartment complex in Nashville, Tennessee.
- Sale of residential subdivisions to national home builder.

### Lending

- \$94.4 million – Construction Loan for major office tower in Buckhead, Fulton County, Georgia-bankruptcy filed by Guarantor.
- \$38 million – Construction Loan for multi-family project in Buckhead, Fulton County, Georgia.
- \$33 million – Loan for Medical Office Buildings in Alpharetta, Fulton County, Georgia.
- \$28.5 million – Acquisition/Development Loan for Retail Development in Snellville, Georgia.
- \$25 million – Loan for construction of Medical Office Buildings in Charleston, South Carolina.
- \$18.7 million – Loan for construction of Medical Office Building in Knoxville, Tennessee.
- \$17.2 million – Loan for acquisition, redevelopment and conversion of hotel in Charleston, South Carolina.
- \$16.1 million – Loan secured by 11 warehouse facilities.
- \$16 million – Loan for acquisition, redevelopment and conversion of hotel in Decatur, Georgia.
- \$10.8 million – Loan secured by apartment complex in Atlanta, Georgia.
- \$8.1 million – Loan for acquisition and development of assisted living facility in Cumming, Georgia.
- \$7.7 million – Loan for development of Whole Foods supermarket in Virginia Beach, Virginia.
- \$6 million – Loan acquisition/rehab loan secured by apartment complex in Stone Mountain, Georgia.

- \$6 million – Loan for construction of Publix anchored shopping center in Daphne, Alabama.
- \$6 million – Loan acquisition/rehab loan secured by apartment complex in Norcross, Georgia.
- \$6.4 million – Loan for development of a senior living facility in Johns Creek, Georgia.
- \$6 million – Loan for development of a senior living facility in Anderson, South Carolina.
- \$6 million – Loan for acquisition of office park in Atlanta, Georgia.
- \$5.5 million – Loan for construction of Medical Outpatient Building in Clyde, North Carolina.
- \$4 million – Loan for joint public/private retail/office/parking deck in Athens, Georgia.
- Loan secured by property in Houston, Texas.
- Loan secured by property in Tucson, Arizona.

