

38th Annual

William W. Gibson, Jr.

MORTGAGE LENDING INSTITUTE

Earn up to 13.00 Hours of Credit Including 3.00 Hours of Ethics Credit

Specialization credit expected for: Real Estate, TDI and TREC credit also available.

Registration fee includes Friday's Box Lunch Presentation (ethics credit).



September 9-10, 2004

The Hyatt Regency on Town Lake
Austin, Texas

September 30-October 1, 2004

Belo Mansion
Dallas, Texas

MORTGAGE LENDING INSTITUTE

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Registration fee includes Friday's Box Lunch Presentation (ethics credit).

THURSDAY MORNING

Austin Presiding Officer:
H. Glenn Hall
Austin

Dallas Presiding Officer:
Philip D. Weller
Houston

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. (1.00 hour including 0.25 hour ethics/
PR credit from 9:45-10:00 a.m.)

Case Law Update

A selection of cases covering a number of topics related to real estate and finance, including mortgages and foreclosures, promissory notes, guaranties, usury, vendor and purchased, DTPA, construction issues, ethical issues and more.

David A. Weatherbie, Dallas

10:00 a.m. (0.50 hour)

Annotated Deed of Trust

An update of the 1999 Deed of Trust.

Michael F. Alessio, Dallas
John M. Nolan, Dallas

10:30 a.m. Break

10:45 a.m. (0.50 hour)

Lender's Remedies Other Than Foreclosure

What are they and what good are they?

Thomas M. Whelan, Dallas

11:15 a.m. (0.50 hour)

Carveouts, Deficiencies, and In Terrorism Clauses

An analysis of drafting issues presented by loan document provisions dealing with exceptions to limitations of liability, waivers of the anti-deficiency statutes and springing recourse liability triggered by bankruptcy of the borrower or other events.

J. Cary Barton, San Antonio

11:45 a.m. (0.50 hour including 0.25 hour ethics/
PR credit from 12:00 - 12:15 p.m.)

Transfers in Fraud of Creditors: When Do Common Planning Techniques Cross the Line?

An examination of direct and indirect theories of liability emphasizing state fraudulent transfers and touching on enterprise liability and piercing the corporate veil.

William H. Oliver, San Antonio

12:15 p.m. Lunch on your own

THURSDAY AFTERNOON

1:30 p.m. (0.50 hour including 0.25 hour ethics/
PR credit from 1:45 - 2:00 p.m.)

Would You Believe...OFAC and Money Laundering Regulations Bump into Real Estate Transactions

This presentation will explore the restrictions placed on buyers, sellers, landlords, tenants and other parties involved in real estate transactions, as well as their effect on lawyers and attorney-client confidentiality.

Ann M. Saegert, Richardson

2:00 p.m. (0.50 hour ethics/PR credit)

Communicating with Clients: What You Say, How You Should Say It, and How You Should Document It

A look at the Rules of Ethics and how they apply to loan transactions, with a practical example of a lender's and borrower's perspective.

Kevin M. Kerr, Dallas

2:30 p.m. (0.50 hour)

Condemnation Law for Mortgagees

A review of eminent domain law to develop more workable eminent domain provisions in mortgage documents and strategies for lender protection in condemnation situations.

James Noble Johnson, Austin

3:00 p.m. Break

3:15 p.m. (0.75 hour)

Home Equity Update

A discussion of the latest developments pertaining to home equity lending in Texas.

Michael K. O'Neal, Dallas

4:00 p.m. (0.50 hour)

Securing the Right Coverage for Your Clients: Do You Know What to Ask For?

This topic will include a discussion of new title insurance forms and rules, existing endorsements and forms, and other means of securing coverage, such as express insurance, insuring around, and limited exceptions.

In Austin: Ginny H. Abiassi, Houston
In Dallas: James L. Gosdin, Houston

4:30 p.m. (0.50 hour)

The Annotated Closing Protection Letter

A legal background and operational overview of the significance of the closing protection letter in an emerging electronic market.

Chris A. Pearson, Dallas

5:00 p.m. (0.50 hour)

Remedies Against Title Companies

Title insurance basics: commitments, reportable "claims," how to preserve coverage, how to respond to reservation of rights or coverage denials, new policy forms and endorsements, Pro Forma policies, rise in identity theft and fraud.

J. Palmer Hutcheson, Houston

5:30 p.m. Adjourn

**M
C
L
E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 3.00 credit hours will apply to legal ethics/professional responsibility credit.

FRIDAY MORNING

Austin Presiding Officer:
Brian C. Rider
 Austin

Dallas Presiding Officer:
David A. Weatherbie
 Dallas

8:00 a.m. Conference Room Opens

Continental breakfast provided.

8:30 a.m. (1.00 hour including 0.25 hour ethics/
 PR credit from 9:15-9:30 a.m.)

Case Law Update-cont.

David A. Weatherbie, Dallas

9:30 a.m. (0.50 hour)

Representing the Borrower in a Securitized Loan: What Can You Negotiate and When

A brief description of securitized lending and the role of the borrower's lawyer in negotiating documents and getting the loan closed.

Lorin Williams Combs, Dallas
 Brian C. Rider, Austin

10:00 a.m. Break

10:15 a.m. (0.50 hour)

Mezzanine Financing

A discussion of mezzanine financing and of the divergent interests of lenders in real estate transactions subject to both mezzanine and first lien debt.

Johnathan Thalheimer, Dallas

10:45 a.m. (0.50 hour ethics/PR credit)

Ethical Concerns in Multi-Jurisdictional Transactions

A discussion of ethical concerns of which lawyers engaged in multi-jurisdictional transactions should be aware.

William E. Swart, Dallas

11:15 a.m. (0.75 hour)

Construction Lending—Legality and Reality

An analysis of typical provisions of construction lending documents and comparison to actual construction lender practices.

David M. Robins, Houston

12:00 p.m. Box Lunch Presentation
 (0.50 hour ethics/PR credit)

Title Insurance—New Rule P-53, Its Interpretation, and Ethical Implications

Box lunch included.

In Austin: Robert Carter, Austin
 In Dallas: Catherine Reyer, Austin

FRIDAY AFTERNOON

1:15 p.m. (0.75 hour)

Negotiating Loan Documents—Range of Reasonable Alternatives for Lenders/Borrowers

A discussion of typically negotiated loan provisions from the lender's and borrower's perspective with some recommended compromise positions.

Michael P. Haggerty, Dallas
 Richard W. Wilhelm, Dallas

2:00 p.m. (0.50 hour)

Getting the Deal Done: The Environmental Perspective

Environmentally-impacted real estate in Texas is being bought, sold and collateralized at a greater frequency than in many years because the environmental risks are better understood and more specialized environmental legal tools are available to handle them. This presentation will discuss these risks and legal tools and how deals involving difficult environmental problems are getting done.

Howard L. Gilberg, Dallas

2:30 p.m. (0.75 hour)

The Texas Residential Construction Commission Act: What Every Practitioner Needs to Know

Guidance for drafting the construction agreements, the closing documents, and the post-closing documents from the landowner's perspective.

David Z. Conoly, Corpus Christi

3:15 p.m. (0.50 hour ethics/PR credit)

Counsel for the Borrower and the Guarantor

Some ethical concerns and potential conflicts of interest confronting the lawyer representing both the borrower and the guarantor.

H. Glenn Hall, Austin

3:45 p.m. Adjourn

ONLINE COURSES

www.utcle.org

For a collection of short online courses on a variety of real estate topics including ethics issues.

COMMENTS FROM PAST MORTGAGE LENDING CONFERENCE ATTENDEES:

“This is one of the very best seminars that I have attended in my 29 years of practicing law. The planning committee and staff did an outstanding job.”

“What I enjoyed about this seminar is that advanced and basic topics are addressed.”

“Don't make any changes to this program!”

“All the speakers were excellent. Good materials with practical information.”

“Current and relevant information.”

“Great program — this was the 23rd consecutive Mortgage Lending program that I have attended.”

“Always the best.”

HOW TO REGISTER

The University of Texas
School of Law
Attn: CLE - ML04
P.O. Box 7759
Austin, TX 78713-7759

WEB: www.utcle.org

FAX: 512-475-6876

PHONE: 512-475-6700

2004 MORTGAGE LENDING INSTITUTE

ML04

Mail this registration form or fax a copy to: (512) 475-6876

PLEASE PRINT CLEARLY

Bar Card# _____ ☐ TX ☐ Other State: _____ ☐ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

E-mail Address _____

REGISTRATION

Includes two-volume Course Binder and Friday's Box Lunch Presentation.

★ Austin - September 9-10, 2004

☐ Early Registration Fee due by Wed., Sept. 1, 2004 \$425.00

☐ Registration Fee after Wed., Sept. 1, 2004 \$475.00

★ Dallas - September 30 - October 1, 2004

☐ Early Registration Fee due by Wed., Sept. 22, 2004 \$425.00

☐ Registration Fee after Wed., Sept. 22, 2004 \$475.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-3 weeks from conference date for delivery.

☐ Course Binder \$250.00

Note: conference registration includes two-volume course binder.

☐ Audio CD Set \$200.00

☐ eBinder on CD (PDF format) \$200.00/\$50.00

(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

GROUP CLE: Bring the conference in-house and learn at your convenience.

Allow 2-3 weeks from conference date for delivery.

☐ Group CLE for 2 - Includes Audio CD Set and Course Binder \$750.00

_____ Add participants (includes Course Binder) for \$200 each \$ _____

TOTAL ENCLOSED \$ _____

METHOD OF PAYMENT

☐ Check (make checks payable to: **The University of Texas at Austin**)

☐ VISA or ☐ Mastercard (sorry, no AMEX or Discover)

Card # - - -

X _____
Authorized Signature

/
Exp. Date (mm/yy)

Course Binders - The Definitive Resource for Borrowers and Lenders

The Mortgage Lending Institute generates the year's definitive two-volume set of resource materials for borrowers and lenders. Don't miss an encyclopedic guide to current developments, explanations of the latest planning techniques, the latest forms and planning strategies — over 1,000 pages of practical and user-friendly materials.

Audio CD Set

The Mortgage Lending Institute presentations are available on CD. Whether you can't make the conference, or just want to replay a particular presentation — you've got options.

eBinder on CD

Get the entire conference binder on CD, in electronic PDF format. Only \$50 if added to a registration or purchase of Course binder or Audio CD Set. \$200 purchased alone.

Group CLE

Would your firm or company like to run an in-house version of this conference, with full participatory MCLE credit? Order Group CLE and we'll accredit the course for you, and provide an audio CD Set and Course Binders for every participant.

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SPECIAL REASONS TO ATTEND THE 2004 MORTGAGE LENDING INSTITUTE

Now in its 38th year, this is the essential two-day institute for attorneys who represent borrowers or lenders. The Institute — with its focus on lending, financing and title issues — is also of great appeal to developers, mortgage brokers, and others engaged in real estate activities. The annotated deed of trust, title insurance, mezzanine financing, lender protection in condemnation, the incredible reach of new money laundering statutes, plus three hours of ethics credit — it's all here.

The Definitive Lending Case Law Update of the Year

A tradition at the Mortgage Lending Institute, David Weatherbie will open the conference each day with his popular "Case Law Update," covering topics related to real estate and finance.

Negotiating Loan Documents— What's Reasonable

Michael Haggerty and Richard Wilhelm will discuss typically negotiated loan provisions from the borrower's and lender's perspective, with some recommended compromise solutions.

Construction Lending— Legality and Reality

David Robins will analyze typical provisions of construction lending documents; comparing and commenting on what happens in practice.

Representing the Borrower in a Securitized Loan Transaction— What's Possible

Lorin Williams Combs and Brian Rider explain what can be negotiated — and when such negotiations are possible — in getting the loan closed.

Carveouts, Deficiencies, and In Terrorem Clauses

J. Cary Barton analyzes drafting issues in loan documents relating to carveouts, deficiencies and in terrorem clauses — not to be missed!

New Rule P-53 and Its Interpretation

Join Robert Carter and Catherine Reyer for a luncheon presentation on new Title Insurance Rule P-53 and its interpretation.

CONFERENCE FACULTY

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Houston

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Winstead Sechrest & Minick P.C.
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San Antonio

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Texas Department of Insurance
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School of Law
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AUSTIN

Sept. 9-10, 2004

CONFERENCE LOCATION



The Hyatt Regency on Town Lake
208 Barton Springs
Austin, Texas 78704
(512) 477-1234

\$109 single or double special group
rate good through **August 18, 2004**

Parking: Self-parking \$5, valet \$12

DALLAS

Sept. 30 - Oct. 1, 2004

CONFERENCE LOCATION



Belo Mansion
2101 Ross Avenue
Dallas, Texas 75201
(214) 220-7400

ACCOMMODATIONS



Westin City Center Dallas Hotel
650 N. Pearl Street
Dallas, Texas 75201
(800) 297-0144

\$139 single or double special group
rate good through **August 30, 2004**

Valet: \$10 daily (includes in & out
privileges), \$18 overnight.

KEY DATES:

Cancellations & last-minute registrations

September 22, 2004, 5 p.m.

• **last day for early registration**
add \$50 for registrations
received after this time

September 24, 2004, 5 p.m.

• **last day for full refund**

September 27, 2004, 5 p.m.

(Monday before conference)
• **last day for partial refunds**
(\$50 processing fee applied)

September 30, 2004, 9 a.m.

• **conference begins**

MARK YOUR CALENDARS:

Upcoming Conferences for Real Estate Professionals

Construction Law Conference

October 21-22, 2004 • Sheraton Suites Hotel, Houston
Video Replay • December 2-3, 2004 • San Antonio

The 2004 Construction Law Conference provides practical in-depth coverage, tools and solutions for attorneys, developers, builders and contractors. This year's conference opens with a presentation by William Allensworth on "Construction Contracting: An Introduction to Construction Contracts and to Project Delivery Systems." The conference is designed for beginning and intermediate practitioners looking for a cohesive set of presentations and resource tools addressing the typical problems they or their clients will encounter. The 2004 conference also includes a special two-hour update on the TRCAA, including participation from TRCAA commissioners.

Texas Water Law Institute

November 4-5 • Hyatt on Town Lake, Austin

The well-known Texas Water Law Institute is offered this year, and future years, by The University of Texas School of Law. Don't miss it.

Land Use Planning Law Conference

Spring 2005 • Austin

The Land Use Planning Law Conference will address how governmental regulation affects real estate and community development. The focus will be on "real-world" problems and practical solutions. Zoning, Platting, Takings, and all matters regulatory—it's all here.

The Leasing Institute

Spring 2005 • Dallas and Houston

Back by popular demand, the 2005 Leasing Institute will bring together key members of the real estate community—attorneys, commercial leasing agents, developers, and lenders—for a comprehensive program devoted completely to leasing.



ABOUT THE COVER

"8th Floor and 7th Street," watercolor, by Christopher St. Leger. Mr. St. Leger's work may be seen at the Davis Gallery in Austin, Texas. (512) 477-4929 • www.davisgalleryaustin.com

UTCLE

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P.O. Box 7759 • Austin, TX 78713-7759

This program is not printed or mailed at state expense.

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