

2004 William W. Gibson, Jr. Mortgage Lending Institute
September 9-10, 2004 • Hyatt Regency Austin • Austin, TX
September 30 - October 1, 2004 • Belo Mansion • Dallas, TX

Thursday Morning, Sep. 9, 2004

Presiding Officers:

In Dallas: **Philip D. Weller**, Dla Piper Rudnick Gray Cary US LLP - Dallas, TX

In Austin: **Glenn Hall**, Attorney at Law - Austin, TX

9:00 am In Austin Only 0.00 hr 0.25 hr ethics	<p>Case Law Update</p> <p>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.</p> <p>David A. Weatherbie, Carrie Cramer & Weatherbie LLP - Dallas, TX</p>
10:00 am In Austin Only 0.50 hr	<p>Annotated Deed of Trust</p> <p>An update of the 1999 Deed of Trust.</p> <p>Michael F. Alessio, Winstead Sechrest & Minick PC - Dallas, TX John M. Nolan, Winstead PC - Dallas, TX</p>
10:45 am In Austin Only 0.50 hr	<p>Lender's Remedies Other Than Foreclosure</p> <p>What are they and what good are they?</p> <p>Thomas M. Whelan, McGuire, Craddock & Strother P.C. - Dallas, TX</p>
11:15 am In Austin Only 0.50 hr	<p>Carveouts, Deficiencies, and In Terrorum Clauses</p> <p>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.</p> <p>J. Cary Barton, Barton, Schneider & East, L.L.P. - San Antonio, TX</p>
11:45 am In Austin Only 0.00 hr 0.25 hr ethics	<p>Transfers in Fraud of Creditors: When Do Common Planning Techniques Cross the Line?</p> <p>An examination of direct and indirect theories of liability emphasizing state fraudulent transfers and touching on enterprise liability and piercing the corporate veil.</p> <p>William H. Oliver, Pipkin Oliver & Bradley LLP - San Antonio, TX</p>

Thursday Afternoon, Sep. 9, 2004

Presiding Officers:

In Dallas: **Philip D. Weller**, Dla Piper Rudnick Gray Cary US LLP - Dallas, TX

In Austin: **Glenn Hall**, Attorney at Law - Austin, TX

1:30 pm In Austin Only 0.00 hr 0.25 hr ethics	<p>Would You Believe...OFAC and Money Laundering Regulations Bump into Real Estate Transactions</p> <p>An examination of direct and indirect theories of liability emphasizing state fraudulent transfers and touching on enterprise liability and piercing the corporate veil.</p> <p>Ann M. Saegert, Haynes And Boone, LLP - Richardson, TX</p>
2:00 pm In Austin Only 0.00 hr 0.50 hr ethics	<p>Communicating with Clients: What You Say, How You Should Say It, and How You Should Document It</p> <p>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.</p> <p>Kevin M. Kerr, Atty At Law - Dallas, TX</p>
2:30 pm In Austin Only 0.50 hr	<p>Condemnation Law for Mortgagees</p> <p>A review of eminent domain law to develop more workable eminent domain provisions in mortgage documents and strategies for lender protection in condemnation situations.</p> <p>James Noble Johnson, Johnson, Rial & Parker, PC - Austin, TX</p>
3:15 pm In Austin Only 0.75 hr	<p>Home Equity Update</p> <p>A discussion of the latest developments pertaining to home equity lending in Texas.</p> <p>Michael K. O'Neal, Winstead PC - Dallas, TX</p>
4:00 pm In Austin Only 0.50 hr	<p>Securing the Right Coverage for Your Clients: Do You Know What to Ask For?</p> <p>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.</p> <p>Virginia H. Abiassi, Stewart Title Guaranty Co - Houston, TX James L. Gosdin, Stewart Title Guaranty Co. - Houston, TX</p>
4:30 pm In Austin Only 0.50 hr	<p>The Annotated Closing Protection Letter</p> <p>A legal background and operational overview of the significance of the closing protection letter in an emerging electronic market.</p> <p>Chris A. Peirson, Peirson Patterson - Dallas, TX</p>
5:00 pm In Austin Only 0.50 hr	<p>Remedies Against Title Companies</p> <p>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.</p> <p>J. Palmer Hutcheson, Gardere Wynne Sewell LLP - Houston, TX</p>

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In Dallas: **David A. Weatherbie**, Carrie Cramer & Weatherbie LLP - Dallas, TX

In Austin: **Brian C. Rider**, Lumbermen's Investment Corporation - Austin, TX

8:30 am In Austin Only 0.00 hr 0.25 hr ethics	Case Law Update-cont David A. Weatherbie, Carrie Cramer & Weatherbie LLP - Dallas, TX
9:30 am In Austin Only 0.50 hr	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 Heather Willia Combs, Winstead Sechrest & Minick - Dallas, TX Brian C. Rider, Lumbermen's Investment Corporation - Austin, TX
10:15 am In Austin Only 0.50 hr	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. Jonathan Thalheimer, McGuire Craddock & Strother PC - Dallas, TX
10:45 am In Austin Only 0.00 hr 0.50 hr ethics	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, Hughes & Luce - Dallas, TX
11:15 am In Austin Only 0.75 hr	Construction Lending-Legality and Reality An analysis of typical provisions of construction lending documents and comparison to actual construction lender practices. David M. Robins, Thompson & Knight LLP - Houston, TX

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12:00 pm In Austin Only 0.00 hr 0.50 hr ethics	Title Insurance - New Rule P-53, Its Interpretation, and Ethical Implications Robert R. Carter, Austin, TX Catherine Reyer, Texas Dept Of Insurance - Austin, TX
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1:15 pm In Austin Only 0.75 hr	<p>Negotiating Loan Documents-Range of Reasonable Alternatives for Lenders/Borrowers</p> <p>A discussion of typically negotiated loan provisions from the lender's and borrower's perspective with some recommended compromise positions.</p> <p>Michael P. Haggerty, Jackson Walker, L.L.P. - Dallas, TX Richard W. Wilhelm, Munsch Hardt Kopf & Harr, P.C. - Dallas, TX</p>
2:00 pm In Austin Only 0.50 hr	<p>Getting the Deal Done: The Environmental Perspective</p> <p>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.</p> <p>Howard L. Gilberg, Guida, Slavich & Flores - Dallas, TX</p>
2:30 pm In Austin Only 0.75 hr	<p>The Texas Residential Construction Commission Act: What Every Practitioner Needs to Know</p> <p>Guidance for drafting the construction agreements, the closing documents, and the post-closing documents from the landowner's perspective.</p> <p>David Z. Conoly, David Z. Conoly, P.C. - Corpus Christi, TX</p>
3:15 pm In Austin Only 0.50 hr ethics	<p>Counsel for the Borrower and the Guarantor</p> <p>Some ethical concerns and potential conflicts of interest confronting the lawyer representing both the borrower and the guarantor.</p> <p>Glenn Hall, Attorney at Law - Austin, TX</p>