

41<sup>ST</sup> ANNUAL

WILLIAM W. GIBSON, JR.

**MORTGAGE LENDING INSTITUTE**

Earn up to 12.75 Hours of Credit Including 2.25 Hours of Ethics Credit

Specialization Credit Expected for Real Estate. TREC and TDI Credit Also Available.

*This year at the Four Seasons Hotel in Austin!*

AUSTIN  
September 20-21, 2007  
Four Seasons Hotel

DALLAS  
October 11-12, 2007  
Belo Mansion

HOUSTON (Video Replay)  
October 25-26, 2007  
Houston Marriott Westchase

41<sup>ST</sup> ANNUAL WILLIAM W. GIBSON, JR.  
MORTGAGE LENDING INSTITUTE

September 20-21, 2007 • Four Seasons Hotel • Austin, TX

October 11-12, 2007 • Belo Mansion • Dallas, TX

VIDEO REPLAY: October 25-26, 2007 • Houston Marriott Westchase • Houston, TX

Earn up to 12.75 Hours of Credit Including 2.25 Hours of Ethics Credit

THURSDAY MORNING

**Austin Presiding Officer:**

**David A. Weatherbie, Austin, TX**

**Dallas Presiding Officer:**

**Edward F. Walker, Dallas, TX**

**8:00 a.m. Registration Opens**

Includes continental breakfast.

**8:50 a.m. Welcoming Remarks**

**9:00 a.m. .75 hr including .25 hr ethics**

**Case Law Update Part I**

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

David A. Weatherbie, Dallas, TX

**9:45 a.m. .33 hr**

**Texas Margin Tax Update: 2007 Developments**

The presentation will explain the application and calculation of the new Texas Margin Tax, including all major amendments resulting from the 80th Legislative Session. Special emphasis will be placed on real estate-related issues such as choice of entity and lease pass-through negotiations.

Steven D. Moore, Austin, TX

**10:05 a.m. .33 hr**

**Practice Advice: Margin Tax Issues Facing Mortgage Lenders and Landlords**

Review of, and suggested revisions to, mortgage and lease terms affected by the margin tax.

Thomas M. Whelan, Dallas, TX

**10:25 a.m. Break**

**10:40 a.m. .50 hr**

**The Subprime Mortgage Market: Problems, Responses and a Look to the Future**

This presentation will cover an overview of the origins of the subprime market downturn. The resultant legal and compliance implications for lenders in that market will also be addressed.

Robert Cook, Hanover, MD

**11:10 a.m. .33 hr**

**Locking the Door on Mortgage Fraud**

Hardening your defenses against the top scams and scammers.

J. Mitchell Little, Frisco, TX

**11:30 a.m. .25 hr**

**The Landlord Subordination Agreement**

Lenders' forms of Landlord Subordination Agreements are often short, which leads many landlords to conclude that they are innocuous. In fact, they are full of traps for the unwary landlord. This presentation will discuss those traps and propose an alternative form.

Harriet Anne Tabb, Dallas, TX

LUNCHEON PRESENTATION

**11:45 a.m. Pick Up Box Lunch**

Included in conference registration fee.

**12:15 p.m. .75 hr including .50 hr ethics**

**Responding to Emergency Loan Applications and Commitments**

Tips on what to look for in reviewing and responding to borrowers' loan applications and commitments when time is short and tensions are high.

J. Cary Barton, San Antonio, TX

THURSDAY AFTERNOON

**Austin Presiding Officer:**

**H. Glenn Hall, Austin, TX**

**Dallas Presiding Officer:**

**Charles W. Spencer, Dallas, TX**

**1:00 p.m. .33 hr ethics**

**The Ethics of Multi-Jurisdictional Representation**

Ethical and practical considerations when representing clients from multiple states.

Richard L. Spencer, Houston, TX

**1:20 p.m. .50 hr ethics**

**Disciplinary Rules Update**

This presentation will present updates on the Disciplinary Rules drafting projects of both the State Bar Committee on Disciplinary Rules of Professional Conduct, and the Disciplinary Rules Task Force appointed by the Texas Supreme Court. The presentation will also highlight certain provisions in the Disciplinary Rules, which are of special interest to real estate attorneys, such as the conflict waiver rules.

James H. Wallenstein, Dallas, TX

**1:50 p.m. .33 hr**

**Negotiating Mezzanine Loan Intercreditor Agreements from the Lenders' Perspective**

This presentation reviews the who, what, where, when, and how of Intercreditor Agreements. Who needs them? What are they and what do they look like? Where do they occur? When are they implemented? How are they negotiated?

Jonathan Thalheimer, Dallas, TX

**2:10 p.m. .33 hr**

**A Practitioner's Guide to Wire Transfers (Video Presentation)**

This session covers the best practices for utilizing wire transfers, looks at how funds actually flow between financial institutions, and explains when funds are (temporarily) in transit.

Ronald J. Mann, Austin, TX

**2:30 p.m. .33 hr**

**De-Cluttering Deeds**

This presentation will address the elements of a deed, as well as the significance of those elements and factors to consider before drafting a deed. This understanding of the function of the elements of a deed can provide the structure for a drafting technique that is precise, "clutter-free," and sufficiently detailed to satisfy the purpose and intent of the parties in a direct and efficient manner.

Stephen A. Mitchell, Austin, TX

**2:50 p.m. Break**

3:05 p.m. .50 hr

### Foreclosure Issues of 2007 in an Economic Environment

Although the economy is generally strong, the number of foreclosures is on the rise, and several forecasters are predicting it is only a matter of time before there will be a downturn in the Texas economy. The purpose of this presentation is to arm you with a step-by-step guide to conducting both real and personal property foreclosures.

Douglas Yeager, Houston, TX

3:35 p.m. .33 hr

### The Role and Application of Usury Law in Rescue Lending Situations

A brief overview of Texas usury law followed by a discussion of various fees, charges, and other amounts or interests granted by borrowers in connection with loan workouts, restructures, and short-term bridge financing.

Scott G. Night, Dallas, TX

3:55 p.m. .75 hr including .25 hr ethics

### A Due Diligence Handbook for Developers

An overview of development and entitlement issues commonly encountered in Texas development transactions.

Michael F. Alessio, Dallas, TX

4:40 p.m. .75 hr

### Environmentally-Impaired Real Property: Management and Closing

Urban and suburban core redevelopment efforts have put environmentally-impaired real estate more and more into play. This session will focus on current environmental due diligence requirements, as well as environmental risk allocation strategies for getting these real estate deals closed.

Howard L. Gilberg, Dallas, TX

5:25 p.m. Adjourn

## FRIDAY MORNING

**Austin Presiding Officer:**  
Janna R. Melton, Austin, TX  
**Dallas Presiding Officer:**  
John Thalheimer, Dallas, TX

8:30 a.m. .75 hr including .25 hr ethics

### Case Law Update Part II

Continuation of the case law update.

David A. Weatherbie, Dallas, TX

9:15 a.m. 1.00 hr including .25 hr ethics

### From the Pink Dome to Your Office: Legislative Update on the 80th Legislature

Overview of the 80th Legislature's effect on real estate, lending, and other commercial matters.

J. Mark McPherson, Dallas, TX

10:15 a.m. Break

10:30 a.m. .50 hr

### Post Legislative Forms Update

This presentation will identify legislation of the 80th Texas Legislature that directly affects commonly used real estate and lending documents. We'll discuss what changes you must make to your forms, and some changes you might want to make.

Justin V. Switzer, Houston, TX

11:00 a.m. .50 hr

### Pitfalls in Condo Development

The session will focus on a lawyer's review of a condominium map in light of the requirements contained in the Texas Condominium Act.

Jeanne M. Caruselle, Dallas, TX

11:30 a.m. .33 hr

### E-Signing, Electronic Mortgages, and Contract Formation: Back to Basics

The mortgage lending industry is transitioning to the use of electronic records and processes for mortgage origination. The legal foundation for this paradigm shift is the adoption of the Uniform Electronic Transaction Act ("UETA") and passage of the federal Electronic Signatures in Global and National Commerce Act ("ESIGN"). This presentation will examine how these legislative vehicles for electronic commerce interface with extant real estate and contract law.

Chris A. Peirson, Dallas, TX

11:50 a.m. .33 hr

### Severed Minerals—A Surface Lender's Perspective

Oil and gas exploration is taking place in increasingly urban settings. This session will focus upon some of the considerations posed to prospective surface lenders by severed minerals.

William M. Kerr Jr., Austin, TX

12:10 p.m. Lunch on your own

## FRIDAY AFTERNOON

**Austin Presiding Officer:**  
Mark S. Biskamp, Houston, TX  
**Dallas Presiding Officer:**  
Paula Beasley, Dallas, TX

1:15 p.m. .33 hr

### Easements

Issues relating to easements are of particular concern to a lender when accepting a deed of trust lien as collateral for its loan, and the subsequent enforcement of the deed of trust lien.

Sara E. Dysart, San Antonio, TX

1:35 p.m. .50 hr

### Pitfalls and Hidden Costs of Conduit Loans

An examination of unwelcome costs and requirements that a borrower or borrower's counsel might encounter when involved in a conduit loan transaction.

Brian C. Rider, Austin, TX

2:05 p.m. .50 hr

### The New ALTA Policies: The Old is New and The New Texas Title Insurance Endorsements

An analysis and comparison of changes in the 2006 ALTA Title Policies and a review of the new Texas Title Insurance Endorsements.

Robert A. "Doc" Watson, Dallas, TX

2:35 p.m. .67 hr

### Insurance Provisions—Fact or Fiction?

This session explores some of the insurance myths upon which many standard loan document provisions are based. Does "contractual liability" actually cover liabilities in your contracts? Is a lender really entitled to receive all insurance proceeds after destruction of the mortgaged property? Are casualties actually covered by casualty insurance?

Aaron Johnston Jr., Dallas, TX

3:15 p.m. Adjourn

## Online Courses from UT Law

*The best speakers and course materials in over 40 practice areas. Listen to audio, download papers, and watch video from UT Law's live CLE programs—while earning full participatory MCLE credit.*

[www.utcle.org](http://www.utcle.org)

## COMMENTS FROM PAST INSTITUTES

*"I have been attending this seminar for 15 years and this one was possibly the best overall version of the seminar. The speakers and topics were exceptional."*

*"Practical subjects with excellent speakers."*

*"Thank you for putting on such a fantastic seminar. The short segments were a great idea."*

*"As usual, topics were particularly relevant and important this year."*

*"Compared with other seminars I have attended, your on-site staff is the most professional and helpful."*

*"Keep up the good work!"*

*"This is one of the best seminars I have been to—the materials and topics were excellent. The quality and caliber of the speakers were absolutely unmatched to the speakers I have seen at the other seminars."*

## CONFERENCE FACULTY

MICHAEL F. ALESSIO  
Winstead Sechrest & Minick P.C.  
Dallas, TX

J. CARY BARTON  
Barton, Schneider & East, L.L.P.  
San Antonio, TX

JEANNE M. CARUSELLE  
Winstead Sechrest & Minick P.C.  
Dallas, TX

ROBERT COOK  
Hudson Cook, LLP  
Hanover, MD

SARA E. DYSART  
Sara E. Dysart, P.C.  
San Antonio, TX

HOWARD L. GILBERG  
Guida, Slavich & Flores, P.C.  
Dallas, TX

AARON JOHNSTON JR.  
Munsch Hardt Kopf & Harr, P.C.  
Dallas, TX

WILLIAM M. KERR JR.  
Kelly Hart & Hallman LLP  
Austin, TX

J. MITCHELL LITTLE  
Scheef & Stone, L.L.P.  
Frisco, TX

RONALD J. MANN  
The University of Texas School of Law  
Austin, TX

J. MARK MCPHERSON  
McPherson & Associates, P.C.  
Dallas, TX

STEPHEN A. MITCHELL  
Stahl, Bernal & Davies, LLP  
Austin, TX

STEVEN D. MOORE  
Jackson Walker, LLP  
Austin, TX

SCOTT G. NIGHT  
Haynes and Boone, LLP  
Dallas, TX

CHRIS A. PEIRSON  
Peirson Patterson, LLP  
Dallas, TX

BRIAN C. RIDER  
The University of Texas School of Law  
Austin, TX

RICHARD L. SPENCER  
Johnson, DeLuca Kennedy and  
Kurisky  
Houston, TX

JUSTIN V. SWITZER  
Haynes and Boone, LLP  
Houston, TX

HARRIET ANNE TABB  
Bell Nunnally & Martin LLP  
Dallas, TX

JONATHAN THALHEIMER  
McGuire, Craddock & Strother, P.C.  
Dallas, TX

JAMES H. WALLENSTEIN  
Hunton & Williams LLP  
Dallas, TX

ROBERT A. "DOC" WATSON  
National Title Services  
Fidelity National Title  
Insurance Company  
Dallas, TX

DAVID A. WEATHERBIE  
Carrie, Cramer & Weatherbie, L.L.P.  
Dallas, TX

THOMAS M. WHELAN  
McGuire, Craddock & Strother, P.C.  
Dallas, TX

DOUGLAS YEAGER  
Locke, Liddell & Sapp LLP  
Houston, TX

## PLANNING COMMITTEE

DAVID A. WEATHERBIE—CHAIR  
Dallas, TX

J. CARY BARTON  
San Antonio, TX

PAULA BEASLEY  
Dallas, TX

MARK S. BISKAMP  
Houston, TX

DAVID Z. CONOLY  
Corpus Christi, TX

C. BRYAN DUNKLIN  
Dallas, TX

SARA E. DYSART  
San Antonio, TX

MICHAEL J. ESPOSITO  
AUSTIN, TX

JAMES L. GOSDIN  
Houston, TX

H. GLENN HALL  
Austin, TX

JAMES NOBLE JOHNSON  
Austin, TX

AARON JOHNSTON JR.  
Dallas, TX

KEVIN M. KERR  
Dallas, TX

ROBERT S. LADD  
Houston, TX

J. MARK MCPHERSON  
Dallas, TX

JANNA R. MELTON  
Austin, TX

JOHN M. NOLAN  
Dallas, TX

CHRIS A. PEIRSON  
Dallas, TX

BRIAN C. RIDER  
Austin, TX

RICHARD L. SPENCER  
Houston, TX

HARRIET ANNE TABB  
Dallas, TX

JONATHAN THALHEIMER  
Dallas, TX

DAVID W. TOMEK  
Dallas, TX

RICK TRIPLETT  
Austin, TX

EDWARD F. WALKER  
Dallas, TX

ROBERT A. "DOC" WATSON  
Dallas, TX

THOMAS M. WHELAN  
Dallas, TX

DOUGLAS YEAGER  
Houston, TX

## New eLibrary at [www.utcle.org](http://www.utcle.org)

Visit [www.utcle.org](http://www.utcle.org) for access to thousands of up-to-date papers, Power-Point presentations, and Audio-to-Go files from leading practitioners and academics. Materials are available for over 40 different practice areas.

Limited time special offer: Join the eLibrary in 2007 and get a one-year membership subscription for only \$195—save \$200 off the regular subscription price of \$395. Your membership provides access to all the materials in the eLibrary—download them whenever, wherever, and as often as you want!

### Course Binders—The Definitive Resource for Borrowers and Lenders

The Mortgage Lending Institute generates the year's definitive set of resource materials for borrowers and lenders. Don't miss an encyclopedic guide to current developments, 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. \$250 purchased alone.

### In-House CLE

Would your firm like to run an in-house version of this conference, with full participatory credit? Order In-House CLE and we'll also provide a DVD Set for the group and a Course Binder for each participant.

## REGISTRATION FOR ML07

### Mail this registration form to:

The University of Texas School of Law, Attn. ML07

P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876

Online registration available at [www.utcle.org](http://www.utcle.org)

PLEASE PRINT CLEARLY

Bar Card# \_\_\_\_\_ ☐ TX ☐ Other State: \_\_\_\_\_ ☐ N/A

Name [ Mr. / Ms. ] \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_

Invoices, confirmations and receipts are emailed to these addresses.

### REGISTRATION:

*Includes Course Binder and Thursday Box Lunch*

#### AUSTIN—SEPTEMBER 20-21, 2007

- ☐ Early Registration Fee due by Wednesday, Sept. 12, 2007 ..... \$475.00  
☐ Registration Fee after Wednesday, Sept. 12, 2007 ..... \$525.00

#### DALLAS—OCTOBER 11-12, 2007

- ☐ Early Registration Fee due by Wednesday, Oct. 3, 2007 ..... \$475.00  
☐ Registration Fee after Wednesday, Oct. 3, 2007 ..... \$525.00

#### HOUSTON VIDEO REPLAY—OCTOBER 25-26, 2007

- ☐ Early Registration Fee due by Wednesday, Oct. 18, 2007 ..... \$385.00  
☐ Registration Fee after Wednesday, Oct. 18, 2007 ..... \$435.00

### CONFERENCE PUBLICATIONS AND MEDIA

*Allow 2-4 weeks from the Dallas conference date for delivery.*

- ☐ Course Binder *Without* Conference Registration ..... \$250.00  
*Note: Conference registration includes Course Binder.*  
☐ Audio CD Set ..... \$200.00  
☐ eBinder on CD (PDF format) ..... \$250.00/\$50.00  
*(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD, or DVD Set)*  
☐ DVD ..... \$250.00

### IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

*Allow 2-4 weeks from the Dallas conference date for delivery.*

- ☐ In-House CLE for 2—Includes DVD Set and Course Binder ..... \$800.00  
 \_\_\_\_\_ Add participants (includes Course Binder) for \$250 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)



## AUSTIN

September 20-21, 2007  
CONFERENCE LOCATION



### \*Four Seasons Hotel\*

98 San Jacinto  
Austin, TX 78701  
512-685-8100

### SPECIAL RATE \$209

(subject to availability)  
good through August 24, 2007

Self-Parking: day \$7; overnight \$17  
Valet: day \$12; overnight \$22

### KEY DATES

#### Registration & Cancellation

Sept. 12, 2007-5 p.m.

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

Sept. 14, 2007-5 p.m.

*last day for full refund*

Sept. 17, 2007-5 p.m.

*last day for partial refunds*  
\$50 processing fee applied

Sept. 20, 2007-9 a.m.

*conference begins*

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 12.75 hours, of which 2.25 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

## DALLAS

October 11-12, 2007  
CONFERENCE LOCATION



### Belo Mansion

2101 Ross Avenue  
Dallas, TX 75201  
214-220-0239

Parking: \$8 self-parking  
\$5 before 9 a.m.

Belo Mansion will serve a buffet lunch on Fri., Oct. 12. The cost is \$20 inclusive. Lunch tickets may be purchased on Thurs., Oct. 11 during the conference (limited availability).

### NEARBY ACCOMMODATIONS:

**Fairmont Hotel**  
214-720-5290

### KEY DATES

#### Registration & Cancellation

Oct. 3, 2007-5 p.m.

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

Oct. 5, 2007-5 p.m.

*last day for full refund*

Oct. 8, 2007-5 p.m.

*last day for partial refunds*  
\$50 processing fee applied

Oct. 11, 2007-9 a.m.

*conference begins*

## HOUSTON

October 25-26, 2007  
VIDEO REPLAY LOCATION



### Houston Marriott Westchase

2900 Briarpark Drive  
Houston, TX  
713-978-7400

### SPECIAL RATE \$129

(subject to availability)  
good through October 3, 2007

Self-Parking: free  
Valet: \$14

### KEY DATES

#### Registration & Cancellation

Oct. 17, 2007-5 p.m.

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

Oct. 19, 2007-5 p.m.

*last day for full refund*

Oct. 22, 2007-5 p.m.

*last day for partial refunds*  
\$50 processing fee applied

Oct. 25, 2007-9 a.m.

*video replay begins*

### ABOUT THE COVER



"untitled," acrylic 16" x 20", is by Phillip Trussell.  
For more information,  
call 512-499-8357.

# UTCLE

THE UNIVERSITY OF TEXAS AT AUSTIN  
THE UNIVERSITY OF TEXAS SCHOOL OF LAW  
P.O. Box 7759 • Austin, TX 78713-7759

*This program is not printed or mailed at state expense.*

## 41<sup>ST</sup> ANNUAL WILLIAM W. GIBSON, JR. MORTGAGE LENDING INSTITUTE

September 20-21, 2007 • Four Seasons Hotel • Austin, TX

October 11-12, 2007 • Belo Mansion • Dallas, TX

VIDEO REPLAY: October 25-26, 2007 • Marriott Westchase • Houston, TX

**NON-PROFIT-ORG**  
U.S. Postage Paid  
The University of Texas  
School of Law

E-mail us at

[utcle@law.utexas.edu](mailto:utcle@law.utexas.edu)

or call us at

512-475-6700

for more information