

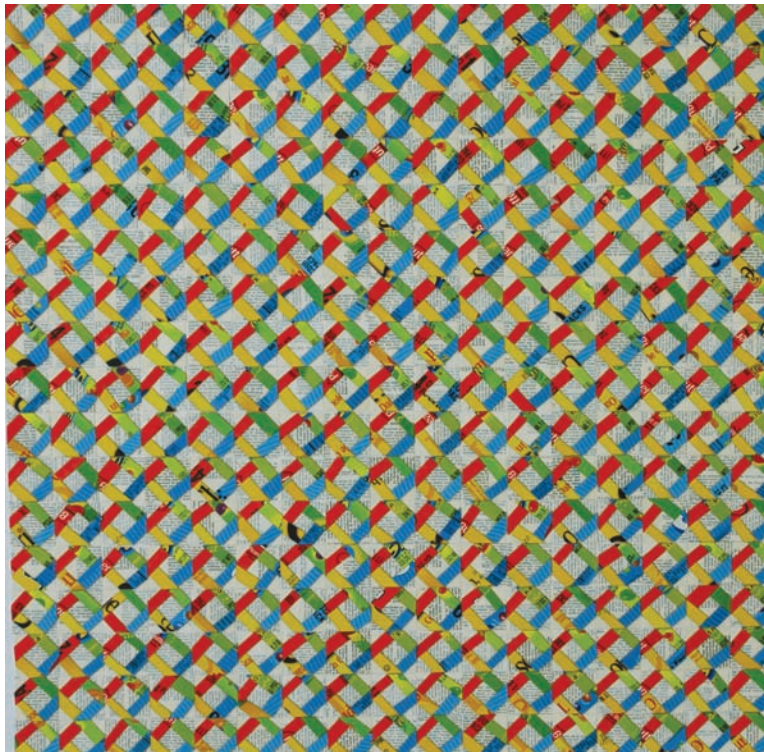
42<sup>ND</sup> ANNUAL  
WILLIAM W. GIBSON, JR.

# MORTGAGE LENDING INSTITUTE

Earn up to 13.25 Hours of Credit Including 1.25 Hours of Ethics Credit

Specialization Credit Expected for Real Estate

9 Hours of General Elective TREC Credit and 10 Hours of TDI Credit Available



AUSTIN  
September 11 - 12, 2008  
Four Seasons Hotel, Austin

DALLAS  
September 25 - 26, 2008  
Cityplace Conference Center

HOUSTON (Video Replay)  
December 11 - 12, 2008  
Hyatt Regency

42<sup>ND</sup> ANNUAL WILLIAM W. GIBSON, JR.  
**MORTGAGE LENDING INSTITUTE**

September 11 - 12, 2008 • Four Seasons Hotel, Austin • Austin, Texas

September 25 - 26, 2008 • Cityplace Conference Center • Dallas, Texas

VIDEO REPLAY: December 11 - 12, 2008 • Hyatt Regency • Houston, Texas

Earn up to 13.25 Hours of Credit Including 1.25 Hours of Ethics Credit

**THURSDAY MORNING**

**Austin Presiding Officer:**  
Jonathan Thalheimer, Dallas, TX

**Dallas Presiding Officer:**  
Thomas M. Whelan, 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 1**

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. .50 hr**

**Top Ten Issues for Borrowers**

A discussion of the top ten issues faced by borrowers in negotiating loan documents—what's negotiable, what's not—and suggestions on how to achieve the best possible results for your borrower clients.

J. Cary Barton, San Antonio, TX

**10:15 a.m. Break**

**10:30 a.m. .75 hr**

**Mixed Use Development: Key Financing and Insurance Issues and Pitfalls**

Paul H. Amiel, Dallas, TX  
Michael D. Craver, Dallas, TX  
Kent Howard, Dallas, TX  
Steve Wu, Dallas, TX

**11:15 a.m. .75 hr including .25 hr ethics**

**Case Law Update Part 2**

Continuation of the Case Law Update.

David A. Weatherbie, Dallas, TX

**THURSDAY AFTERNOON**

**Austin and Dallas Presiding Officer:**  
C. Bryan Dunklin, Dallas, TX

**LUNCHEON PRESENTATION**

**12:00 p.m. Pick up Box Lunch**  
Included in conference registration fee.

**12:15 p.m. .75 hr**

**The Texas Real Estate Market: Where We Are and Where We're Going**

Britt Fair, Dallas, TX  
David Fair, Dallas, TX

**1:00 p.m. Break**

**1:15 p.m. .75 hr**

**Show Me the Taxpayer's Money: Public/Private Development of Small and Medium Size Projects**

A review of incentive programs offered by local governmental entities; Tax Abatement programs, Grant and Sales Tax incentive programs under Chapter 380 and 381 of the Texas Local Government Code; 4A and 4B Economic Development Corporations and other tax support development programs.

Jean Edward Shotts, Jr., Lubbock, TX

**2:00 p.m. .50 hr**

**Margin Tax and Real Estate: 2008 Update on Strategies, Structures and Leases**

The presentation will focus on how the real estate industry is coping with the new Margin Tax after the first filing season and the latest developments from the Comptroller affecting real estate.

Robert E. Reetz, Jr., Austin, TX  
In Dallas by VIDEO

**2:30 p.m. .50 hr**

**Title Insurance Update: Highlights of New Forms and Revised Provisions**

An overview and update of new forms, provisions and policies—effective May 1, 2008.

Douglas W. Becker, San Antonio, TX

**3:00 p.m. Break**

**3:15 p.m. .50 hr**

**Title Insurance Involving Oil, Gas and Mineral Interests: What's Different?**

A brief discussion of available coverages to protect the surface (non-mineral estate and improvements) from the surface uses available to the dominant mineral estate; whether title companies may refuse to insure mineral interests; and the current position of the Texas Department of Insurance.

William A. Kramer, Dallas, TX

**3:45 p.m. .33 hr**

**Primer on Proration and Roll Back Taxes**

This session opens with a discussion of general planning and drafting issues related to the proration of taxes and continues with an analysis of rollback taxes and how they are triggered.

R. Labry Welty, Dallas, TX

**4:05 p.m. .50 hr**

**Understanding and Working with New Texas Statutes Affecting Residential Lenders and Investors**

Real estate investors buying residential real estate will sometimes employ exit strategies to move properties using owner-carried financing and lease/option techniques to find buyers who don't otherwise qualify for loans. This session explains how new Texas statutes—HB 2783, HB 2207, and an update on the Executory Contract Statute—affects such investment and lending strategies.

C. Bryan Dunklin, Dallas, TX

**4:35 p.m. .92 hr**

**The Supply and Pricing of Energy to Commercial Real Estate Projects: Understanding Contracts in Deregulated Electricity Markets**

This presentation examines key principles of the electricity market, how these principles are incorporated into retail contracts, and how such contracts should be structured to meet end-user (commercial and industrial) requirements and objectives of borrowers, lenders and tenants.

Richard 'Rich' Silkman, Portland, ME

**5:30 p.m. Adjourn**

## FRIDAY MORNING

**Austin Presiding Officer:**  
**Paula L. Beasley, Dallas, TX**

**Dallas Presiding Officer:**  
**Jonathan Thalheimer, Dallas, TX**

9:00 a.m. 1.00 hr

### Workouts: From Default to Resolution (or Not) in Today's Structured Credit Environment

So, the ox is in the ditch. How do you help get things back on track? Knowing early on who is on the other side of the table and their business considerations and limitations is crucial. We will explore issues impacting borrowers that every lender should know. We will also examine the players in today's credit markets, the world in which they operate and their motivations.

W. Mike Baggett, Dallas, TX  
Jeffrey L. Joyce, Houston, TX  
Louis F. Strawn, Dallas, TX

10:00 a.m. .75 hr

### Primer on Foreclosures

An overview of the State Bar's 2nd edition Foreclosure Manual, with an update of recent case law and legislative developments in the foreclosure area.

In Austin, TX: William H. Locke, Jr., Austin, TX  
In Dallas, TX: Ralph Martin 'Marty' Novak, Jr., Austin, TX

10:45 a.m. Break

11:00 a.m. .50 hr

### Understanding and Working with the Mortgage Electronic Registration System (MERS)

A primer on the role, use and growth of the MERS database with particular attention to determining current note-holders in a world of securitized and frequently traded mortgage portfolios.

Richard Melamed, Bellaire, TX

11:30 a.m. .33 hr

### Accepting and Delivering a Deed in Lieu of Foreclosure

Under what terms and conditions should a lender accept a deed in lieu of foreclosure? Under what terms and conditions should a borrower be willing to deliver a deed in lieu of foreclosure?

Sara E. Dysart, San Antonio, TX

11:50 a.m. .50 hr

### Debt Collection Do's and Don'ts

A practical guide on the relevant statutes, common pitfalls and traps for the occasional collector, and a discussion of best practices for the real estate lawyer asked to become involved in the collections process.

Donna Brown, Austin, TX

## FRIDAY AFTERNOON

**Austin Presiding Officer:**  
**Janna R. Melton, Austin, TX**

**Dallas Presiding Officer:**  
**Charles W. Spencer, Dallas, TX**

## LUNCHEON PRESENTATION

12:20 p.m. Pick up Box Lunch  
Included in conference registration fee.

12:35 p.m. .75 hr ethics

### The Ethics of Striking Back: The Noble Lawyer and the Rehabilitation of the Profession

How we got to this point in the public mind and the ethics of striking back.

William J. Chriss, Austin, TX

1:20 p.m. Break

1:35 p.m. .50 hr

### Ground Leases: Issues and Pitfalls in Leasehold Financing

An analysis of commonly negotiated leasehold financing issues from the perspective of the ground leaser, ground lessee and leasehold mortgage—with forms.

In Austin, TX: Joshua L. Lebar, Houston, TX  
In Dallas, TX: K. Gregory Erwin, Houston, TX

2:05 p.m. .33 hr

### Absolute Assignment of Rents

The absolute assignment of rents is the choice of most lenders to create a security interest in rents in Texas, but because an absolute assignment purports to transfer title to rents, it causes confusion and unnecessary litigation under both state law and federal bankruptcy law. This presentation will discuss the problems of the absolute assignment of rents and a possible solution.

Julie Patterson Forrester, Dallas, TX

2:25 p.m. .50 hr

### Financing Forms for Water Rights Transactions

A look at Deeds of Trust, Security Agreements and other forms in connection with the purchase and financing of groundwater and surface water transactions.

In Austin, TX: Ramona Kantack Alcantara, Brownsville, TX

In Dallas, TX: Denise Cheney, Austin, TX

2:55 p.m. .50 hr

### Pushing the Limits of Eminent Domain

A discussion and analysis of the latest developments involving eminent domain in a post-*Kelo* world, with particular attention to innovative uses of eminent domain as an economic development and financing tool.

In Austin, TX: Terrence S. Welch, Richardson, TX  
In Dallas, TX: Robert F. Brown, Richardson, TX

3:25 p.m. Adjourn

## UTCLE eLibrary

*Cutting-edge research at your fingertips—papers, PPTs, and podcasts.*

### Papers, PPTs, and Podcasts in Related Practice Areas

The eLibrary includes thousands of materials from related fields.

### Easy Search of the Best Resources by Leading Experts

Put the latest resources at your fingertips—from leading judges, practitioners, academics, and more.

### Audio-to-Go Files (Podcasts)

Listen on your iPod: The eLibrary includes related audio files for most papers that are easily saved to your computer, iPod, or MP3 player. Listen to the presentation at your computer or on the go!

### Subscribe now for \$295 and get unlimited downloads for a year.

Your one-year subscription provides access to all the materials in the eLibrary—papers, PPTs and podcasts. Search and download them whenever, wherever and as often as you want!

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

## 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."*

*"This continues to be the best seminar I attend in terms of quality, substance, consistency, speakers and organization."*

*"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

RAMONA KANTACK ALCANTARA  
Kantack Alcantara Law Office, PC  
Brownsville, TX

PAUL H. AMIEL  
Haynes And Boone, LLP  
Dallas, TX

W. MIKE BAGGETT  
Winstead PC  
Dallas, TX

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

DOUGLAS W. BECKER  
Chicago Title Insurance Co.  
San Antonio, TX

DONNA BROWN  
Donna Brown, PC  
Austin, TX

ROBERT F. BROWN  
Brown & Hofmeister, LLP  
Richardson, TX

DENISE CHENEY  
Bickerstaff Heath Delgado Acosta LLP  
Austin, TX

WILLIAM J. CHRISS  
Texas Center for Legal Ethics and  
Professionalism  
Austin, TX

MICHAEL D. CRAVER  
Hillwood Development Company, LLC  
Dallas, TX

C. BRYAN DUNKLIN  
Bryan Dunklin & Associates  
Dallas, TX

SARA E. DYSART  
Sara E. Dysart, PC  
San Antonio, TX

K. GREGORY ERWIN  
Winstead PC  
Houston, TX

BRITT FAIR  
Hexter-Fair Title Company  
Dallas, TX

DAVID FAIR  
Hexter-Fair Title Company  
Dallas, TX

JULIE PATTERSON FORRESTER  
SMU Dedman School Of Law  
Dallas, TX

KENT HOWARD  
Wells Fargo  
Dallas, TX

JEFFREY L. JOYCE  
Winstead PC  
Houston, TX

WILLIAM A. KRAMER  
Republic Title of Texas  
Dallas, TX

JOSHUA L. LEBAR  
Winstead PC  
Houston, TX

WILLIAM H. LOCKE, JR.  
Graves, Dougherty, Hearon &  
Moody, PC  
Austin, TX

RICHARD MELAMED  
Attorney At Law  
Bellaire, TX

RALPH MARTIN 'MARTY' NOVAK, JR.  
The University of Texas System - Office  
of General Counsel  
Austin, TX

ROBERT E. REETZ, JR.  
Brown McCarroll LLP  
Austin, TX

JEAN EDWARD SHOTTS, JR.  
Shotts & Sjogren LLP  
Lubbock, TX

RICHARD 'RICH' SILKMAN  
Competitive Energy Services and  
CETX Energy Agency  
Portland, ME

LOUIS F. STRAWN  
Winstead PC  
Dallas, TX

DAVID A. WEATHERBIE  
Cramer Weatherbie Richardson LLP  
Dallas, TX

TERRENCE S. WELCH  
Brown & Hofmeister, LLP  
Richardson, TX

R. LABRY WELTY  
Munsch Hardt Kopf & Harr PC  
Dallas, TX

STEVE WU  
Wachovia Insurance  
Dallas, TX

## PLANNING COMMITTEE

JONATHAN THALHEIMER—CHAIR  
Dallas, TX

MICHAEL F. ALESSIO  
Dallas, TX

BEN E. BARNETT  
Dallas, TX

J. CARY BARTON  
San Antonio, TX

PAULA L. BEASLEY  
Dallas, TX

SARA E. DYSART  
San Antonio, TX

MICHAEL J. ESPOSITO  
Austin, TX

JAMES L. GOSDIN  
Houston, TX

H. GLENN HALL  
Austin, TX

AARON JOHNSTON, JR.  
Dallas, TX

KEVIN M. KERR  
Plano, TX

JOHN M. MCPHERSON  
Dallas, TX

JANNA R. MELTON  
Austin, TX

CHRIS A. PEIRSON  
Dallas, TX

BRIAN C. RIDER  
Austin, TX

ANN M. SAEGERT  
Richardson, TX

CHARLES W. SPENCER  
Dallas, TX

RICHARD L. SPENCER  
Houston, TX

HARRIET A. TABB  
Dallas, TX

THOMAS F. VETTERS, II  
Austin, TX

EDWARD F. WALKER  
Dallas, TX

ROBERT A. WATSON  
Dallas, TX

DAVID A. WEATHERBIE  
Dallas, TX

PHILIP D. WELLER  
Dallas, TX

THOMAS M. WHELAN  
Dallas, TX

DOUGLAS A. YEAGER  
Houston, TX



## UTCLE Online Courses Over 300 Online Courses Full MCLE Credit

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)

### 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 ML08

### Mail this registration form to:

The University of Texas School of Law, Attn. ML08  
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) \_\_\_\_\_

Invoices, confirmations and receipts are emailed to these addresses.

### REGISTRATION:

*Includes Course Binder, Thursday and Friday Box Lunch Presentations*

#### AUSTIN—SEPTEMBER 11-12, 2008

- ☐ Early Registration Fee due by Wednesday, Sept. 3, 2008 ..... \$525.00  
☐ Registration Fee after Wednesday, Sept. 3, 2008 ..... \$575.00

#### DALLAS—SEPTEMBER 25-26, 2008

- ☐ Early Registration Fee due by Wednesday, Sept. 17, 2008 ..... \$525.00  
☐ Registration Fee after Wednesday, Sept. 17, 2008 ..... \$575.00

#### HOUSTON VIDEO REPLAY—DECEMBER 11-12, 2008

- ☐ Early Registration Fee due by Wednesday, Dec. 3, 2008 ..... \$385.00  
☐ Registration Fee after Wednesday, Dec. 3, 2008 ..... \$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  
*(\$250 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD, or DVD Set)*

### 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 ..... \$ \_\_\_\_\_

### UTCLE eLibrary: Papers, PPTs, and Podcasts in 40 practice areas

- ☐ One-year subscription for UTCLE eLibrary ..... \$295.00  
Discounts available for multiple subscriptions; call 512-475-6700 for more information.

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)

Phone: 512-475-6700 Fax: 512-475-6876

## AUSTIN

SEPTEMBER 11-12, 2008  
CONFERENCE LOCATION



### Four Seasons Hotel

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

**SPECIAL ROOM RATE \$220**  
good through August 15, 2008  
(subject to availability)

**Parking:** Valet: Day \$10, Overnight \$22;  
\$7 Self-Parking available at Convention  
Center parking facility (subject to change)

### KEY DATES

#### Registration & Cancellation

Sept. 3, 2008–5 p.m.

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

Sept. 5, 2008–5 p.m.

*last day for full refund*

Sept. 8, 2008–5 p.m.

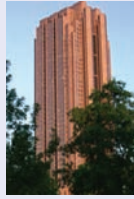
*last day for partial refunds*  
\$50 processing fee applied

Sept. 11, 2008–9 a.m.

*conference begins*

## DALLAS

SEPTEMBER 25-26, 2008  
CONFERENCE LOCATION



### Cityplace Conference Center

2711 North Haskell Avenue  
Dallas, TX 75204  
214-515-5100

**Parking:** Complimentary Self-Parking  
(subject to change)

### KEY DATES

#### Registration & Cancellation

Sept. 17, 2008–5 p.m.

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

Sept. 19, 2008–5 p.m.

*last day for full refund*

Sept. 22, 2008–5 p.m.

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

Sept. 25, 2008–9 a.m.

*conference begins*

## HOUSTON

December 11-12, 2008  
VIDEO REPLAY LOCATION



### Hyatt Regency

1200 Louisiana Street  
Houston, TX 77002  
713-654-1234

**Parking:** \$15 self-parking in garage; \$12 Valet  
(subject to change)

### KEY DATES

#### Registration & Cancellation

Dec. 3, 2008–5 p.m.

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

Dec. 5, 2008–5 p.m.

*last day for full refund*

Dec. 8, 2008–5 p.m.

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

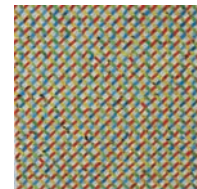
Dec. 11, 2008–9 a.m.

*video replay begins*

### ► CONFERENCE PARKING—AUSTIN

Due to construction, self-parking is unavailable at the Four Seasons Hotel. Nearby parking is available in the Convention Center garage across the street (2nd Street and Brazos) for \$7 (subject to change). Valet parking at the Four Seasons is \$10 for conference attendees; however, unless you arrive very early, we recommend parking in the Convention Center Garage to avoid long lines.

### ABOUT THE COVER



"The Classification of Finite Simple Groups," 25.5" x 25.5", mixed media collage of old books, candy, cereal packages, and acrylic, is by Philip Durst. For more information, contact him at 512-474-6200.

# 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.*

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 13.25 hours, of which 1.25 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).

42<sup>ND</sup> ANNUAL WILLIAM W. GIBSON, JR.

## MORTGAGE LENDING INSTITUTE

September 11-12, 2008 • Four Seasons Hotel, Austin • Austin, Texas

September 25-26, 2008 • Cityplace Conference Center • Dallas, Texas

VIDEO REPLAY: December 11-12, 2008 • Hyatt Regency • Houston, Texas

### 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