

**42<sup>nd</sup> Annual William W. Gibson, Jr. Mortgage Lending Institute**  
**September 11-12, 2008 • Four Seasons Hotel • Austin, TX**  
**September 11-12, 2008 • • Houston,**  
**September 25-26, 2008 • Cityplace Conference Center • Dallas, TX**  
**December 11-12, 2008 • Houston**

**Thursday Morning, Sep. 11, 2008**

**Presiding Officers:**

In Austin: **Jonathan Thalheimer**, McGuire Craddock & Strother PC - Dallas, TX

In Dallas: **Thomas Matthew Whelan**, McGuire, Craddock & Strother P.C. - Dallas, TX

9:00 am In Austin, Dallas Only 0.75 hr 0.25 hr ethics	<b>Case Law Update Part 1</b>  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, Cramer Weatherbie Richardson Walker LLP - Dallas, TX
9:45 am In Austin, Dallas Only 0.50 hr	<b>Top Ten Issues for Borrowers</b>  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, Barton, East & Caldwell, L.L.P. - San Antonio, TX
10:15 am In Austin, Houston Only	<b>Break</b>
10:30 am In Austin, Dallas Only 0.75 hr	<b>Mixed Use Development: Key Financing and Insurance Issues and Pitfalls</b>  Paul H. Amiel, Haynes and Boone, LLP - Dallas, TX Michael David Craver, Hillwood Development Company, LLC - Dallas, TX Kent Howard, Wells Fargo - Dallas, TX Steve Wu, Wachovia Insurance - Dallas, TX
11:15 am In Austin, Dallas Only 0.75 hr 0.25 hr ethics	<b>Case Law Update Part 2</b>  Continuation of the Case Law Update.  David A. Weatherbie, Cramer Weatherbie Richardson Walker LLP - Dallas, TX

**Thursday Afternoon, Sep. 11, 2008**

**Presiding Officer:**

In Dallas: **Jason Mitchell Little**, Scheef & Stone, LLP - Frisco, TX

12:00 pm In Austin, Houston Only	<b>Pick up Box Lunch</b>  Included in conference registration fee.
12:15 pm In Austin, Dallas Only 0.75 hr	<b>The Texas Real Estate Market: Where We Are and Where We're Going</b>  Britt Fair, Hexter-Fair Title Company - Dallas, TX David Fair, Hexter-Fair Title Company - Dallas, TX
1:00 pm In Austin, Houston Only	<b>Break</b>
1:15 pm In Austin, Dallas Only 0.75 hr	<b>Show Me the Taxpayer's Money: Public/Private Development of Small and Medium Size Projects</b>  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., Shotts & Sjogren LLP - Lubbock, TX
2:00 pm In Austin, Dallas Only 0.50 hr	<b>Margin Tax and Real Estate: 2008 Update on Strategies, Structures and Leases</b>  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., Brown McCarroll LLP - Austin, TX
2:30 pm In Austin, Dallas Only 0.50 hr	<b>Title Insurance Update: Highlights of New Forms and Revised Provisions</b>  An overview and update of new forms, provisions and policies—effective May 1, 2008.  Douglas W. Becker, Chicago Title Insurance Co. - San Antonio, TX
3:00 pm In Austin, Houston Only	<b>Break</b>
3:15 pm In Austin, Dallas Only 0.50 hr	<b>Title Insurance Involving Oil, Gas and Mineral Interests: What's Different?</b>  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, Republic Title of Texas - Dallas, TX
3:45 pm In Austin, Dallas Only 0.33 hr	<b>Primer on Proration and Roll Back Taxes</b>  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, Munsch Hardt Kopf & Harr - Dallas, TX

4:05 pm In Austin, Dallas Only 0.50 hr	<p><b>Understanding and Working with New Texas Statutes Affecting Residential Lenders and Investors</b></p> <p>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.</p> <p>C. Bryan Dunklin, Bryan Dunklin &amp; Associates - Dallas, TX In Dallas: Jason Mitchell Little, Scheef &amp; Stone, LLP - Frisco, TX</p>
4:35 pm In Austin, Dallas Only 0.92 hr	<p><b>The Supply and Pricing of Energy to Commercial Real Estate Projects: Understanding Contracts in Deregulated Electricity Markets</b></p> <p>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.</p> <p>Richard 'Rich' Silkman, Competitive Energy Services and CETX Energy Agency - Portland, ME</p>
5:30 pm In Austin, Houston Only	<b>Adjourn</b>

## Friday Morning, Sep. 12, 2008

### Presiding Officers:

In Austin: **Paula L. Beasley**, Scheef & Stone LLP - Dallas, TX

In Dallas: **Jonathan Thalheimer**, McGuire Craddock & Strother PC - Dallas, TX

9:00 am In Austin, Dallas Only 1.00 hr	<p><b>Workouts: From Default to Resolution (or Not) in Today's Structured Credit Environment</b></p> <p>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.</p> <p>W. Mike Baggett, Winstead PC - Dallas, TX Jeffrey L. Joyce, Winstead PC - Houston, TX Louis F. Strawn, Winstead PC - Dallas, TX</p>
10:00 am In Austin, Dallas Only 0.75 hr	<p><b>Primer on Foreclosures</b></p> <p>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.</p> <p>In Austin: William H. Locke Jr., Graves Dougherty Hearon &amp; Moody - Austin, TX In Dallas: Ralph Martin 'Marty' Novak Jr., The University of Texas System - Office of General Counsel - Austin, TX</p>
10:45 am	<b>Break</b>

11:00 am In Austin, Dallas Only 0.50 hr	<p><b>Understanding and Working with the Mortgage Electronic Registration System (MERS)</b></p> <p>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.</p> <p>Richard Melamed, Attorney At Law - Bellaire, TX</p>
11:30 am In Austin, Dallas Only 0.33 hr	<p><b>Accepting and Delivering a Deed in Lieu of Foreclosure</b></p> <p>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?</p> <p>Sara Eileen Dysart, Sara E. Dysart, P.C. - San Antonio, TX</p>
11:50 am In Austin, Dallas Only 0.50 hr	<p><b>Debt Collection Do's and Don'ts</b></p> <p>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.</p> <p>Donna Brown, Donna Brown, P.C. - Austin, TX</p>

## Friday Afternoon, Sep. 12, 2008

### Presiding Officers:

In Austin: **Janna R. Melton**, Attorney At Law - Austin, TX

In Dallas: **Charles W. Spencer**, Law Offices of Charles W. Spencer - Dallas, TX

12:20 pm	<p><b>Pick up Box Lunch</b></p> <p>Included in conference registration fee.</p>
12:35 pm In Austin, Dallas Only 0.75 hr ethics	<p><b>The Ethics of Striking Back: The Noble Lawyer and the Rehabilitation of the Profession</b></p> <p>How we got to this point in the public mind and the ethics of striking back.</p> <p>In Austin: Claude E. Ducloux, Hill, Ducloux, Carnes &amp; de la Garza - Austin, TX In Dallas: William J. Chriss, Texas Center for Legal Ethics and Professionalism - Austin, TX</p>
1:20 pm	<p><b>Break</b></p>
1:35 pm In Austin, Dallas Only 0.50 hr	<p><b>Ground Leases: Issues and Pitfalls in Leasehold Financing</b></p> <p>An analysis of commonly negotiated leasehold financing issues from the perspective of the ground leaser, ground lessee and leasehold mortgage—with forms.</p> <p>In Austin: Joshua Lowell Lebar, Winstead PC - Houston, TX In Dallas: K. Gregory Erwin, Winstead PC - Houston, TX</p>

2:05 pm In Austin, Dallas Only 0.33 hr	<p><b>Absolute Assignment of Rents</b></p> <p>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.</p> <p>Julie Patterson Forrester, SMU Dedman School of Law - Dallas, TX</p>
2:25 pm In Austin, Dallas Only 0.50 hr	<p><b>Financing Forms for Water Rights Transactions</b></p> <p>A look at Deeds of Trust, Security Agreements and other forms in connection with the purchase and financing of groundwater and surface water transactions.</p> <p>In Austin: Ramona Kantack Alcantara, Kantack Alcantara Law Office, P.C. - Brownsville, TX Denise Cheney, Bickerstaff Heath Delgado Acosta LLP - Austin, TX Rhonda Graff Jolley, Nunley Jolley Cluck Aelvoet LLP - Boerne, TX In Dallas: Ramona Kantack Alcantara, Kantack Alcantara Law Office, P.C. - Brownsville, TX Denise Cheney, Bickerstaff Heath Delgado Acosta LLP - Austin, TX</p>
2:55 pm In Austin, Dallas Only 0.50 hr	<p><b>Pushing the Limits of Eminent Domain</b></p> <p>A discussion and analysis of the latest developments involving eminent domain in a post-<i>Kelo</i> world, with particular attention to innovative uses of eminent domain as an economic development and financing tool.</p> <p>In Austin: Terrence S. Welch, Brown &amp; Hofmeister LLP - Richardson, TX In Dallas: Robert F. Brown, Brown &amp; Hofmeister, L.L.P. - Richardson, TX</p>
3:25 pm	<p><b>Adjourn</b></p>