

43RD ANNUAL

WILLIAM W. GIBSON, JR.

MORTGAGE LENDING INSTITUTE

September 24–25, 2009
Four Seasons Hotel
Austin, Texas

October 8–9, 2009
Belo Mansion
Dallas, Texas

November 12–13, 2009
Norris Conference Center
CityCentre
Houston, Texas
 Video Replay

Earn up to 13.50 Hours of MCLE Credit including 2.00 Hours of Ethics Credit

Specialization Credit Approved for Real Estate Law

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

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THURSDAY MORNING

Presiding Officer:
Richard L. Spencer, Houston, 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. .75 hr

Conventional Loan Workouts

A dialogue about the perspectives of lenders and borrowers with respect to some issues that are usually encountered in a loan workout transaction. This session covers the “dance” involved between lenders and borrowers in negotiating a successful workout. Key issues include paydown/more collateral, higher interest (and a floor), and shorter extension terms.

J. Cary Barton, San Antonio, TX
Reid Carroll Wilson, Houston, TX

10:30 a.m. Break

10:45 a.m. .75 hr

Securitized Loan Workouts

This session explores issues surrounding the restructuring of commercial real estate loans owned by a commercial mortgage backed securities (CMBS) trust.

Craig Barton Anderson, Dallas, TX
Allen J. Dickey, Dallas, TX

11:30 a.m. .75 hr

Legislative Update

Significant bills of the 81st Texas Legislature affecting real estate, lending, and other commercial matters.

In Austin: Justin V. Switzer, Houston, TX
In Dallas: Anne Newtown, Houston, TX

THURSDAY AFTERNOON

Presiding Officers:
In Austin: Brian C. Rider, Austin, TX
In Dallas: Kevin M. Kerr, Dallas, TX

LUNCHEON PRESENTATION

12:15 p.m. Pick up Box Lunch

Included in conference registration fee.

12:30 p.m. .75 hr

State of the Real Estate Financial Market

This session provides an overview of the current state of the real estate capital markets. Topics include debt and equity markets, a discussion of recent activities of various capital providers, and the effects on commercial real estate.

Jay C. Hartzell, Austin, TX

1:15 p.m. Break

1:30 p.m. .50 hr

Enforcement of Completion Guaranties

Issues in the drafting and enforcement of guaranties of completion for construction projects.

Robert S. Ladd, Houston, TX

2:00 p.m. .75 hr

Negotiating Liability Limitation Provisions for Promissory Notes and Guaranties

This presentation reviews commonly used liability limitation concepts in mortgage loans, such as non-recourse provisions (with carve-out exceptions) and so-called “top percent” guaranties, and offers suggestions for negotiating the loan documents that include those concepts.

James H. Wallenstein, Dallas, TX

2:45 p.m. .50 hr

Lender Remedies (Other Than Foreclosure)

Extraordinary remedies for extraordinary times—receivership, injunction, garnishment, eviction and ...

Thomas M. Whelan, Dallas, TX

3:15 p.m. Break

3:30 p.m. .75 hr including .25 hr ethics

Foreclosure Changes 2009

Coverage of the Tex. R. Civ. P. 735 and 736 home equity, home equity line of credit, reverse mortgage and property tax lien foreclosure rules and recent federal and state law affecting the foreclosure process, including ethical considerations.

Tommy Bastian, Addison, TX

4:15 p.m. .50 hr

Personal Property Foreclosures

This session reviews the impact of Rev. Ch. 9 on garnishment and other actions to realize on a debtor’s deposit account, and presents an overview of the default and enforcement provisions in Subchapter F, Rev. Section 9.601-9.628.

David P. Derber, Benbrook, TX

4:45 p.m. .50 hr

Acquisitions of Distressed Debt

Whether you are buying mortgage loans to hold with the expectation of repayment, as a means of investing in the borrower, or in order to foreclose and take title to the underlying real estate, there are certain legal and business risks you need to understand and either accept or avoid through third party assurances. This presentation discusses these risks and suggests strategies for mitigating them.

Ann M. Saegert, Richardson, TX

5:15 p.m. Adjourn

FRIDAY MORNING

Presiding Officers:

In Austin: Paul D. Pruitt, Austin, TX

In Dallas: Robert A. Watson, Dallas, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

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. .50 hr

RESPA: Big Changes

This presentation provides an overview of the new RESPA provisions with annotated forms to facilitate implementation.

Chris Alexander Peirson, Dallas, TX

9:45 a.m. .50 hr including .25 hr ethics

Where is the Note?

Review of requirement of possession of original negotiable instrument.

Paul D. Pruitt, Austin, TX

10:15 a.m. Break

10:30 a.m. .50 hr

Residential Mortgage Suitability Standards: An Idea Whose Time Has Come Or Has Come Too Far?

The residential mortgage crisis has spurred efforts by legislatures and regulatory agencies to regulate mortgage loan product offerings by mortgage loan originators, particularly mortgage brokers. This topic discusses how investment product suitability standards which originated in the securities industry are morphing into the residential mortgage loan business. The topic also surveys federal and state developments, including legislation introduced in the 2009 legislative session.

John Charles Fleming, Austin, TX

11:00 a.m. .50 hr

"Short Sales," Deeds in Lieu, and Other Alternatives to Foreclosure

Includes modifications, renewals, and extensions, as well as the new TREC form.

Sara E. Dysart, San Antonio, TX

11:30 a.m. .75 hr

Bankruptcy Issues in Workouts and Foreclosures

A panel discussion among real estate and bankruptcy lawyers demonstrates the interplay between real estate, finance and bankruptcy laws in loan workouts and foreclosure scenarios in this latest downturn.

Moderator:

Edward F. Walker, Dallas, TX

Panelists:

Gregory G. Hesse, Dallas, TX

Lynnette R. Warman, Dallas, TX

FRIDAY AFTERNOON

Presiding Officers:

In Austin: Glenn Hall, Austin, TX

In Dallas: Harriet Anne Tabb, Dallas, TX

LUNCHEON PRESENTATION

12:15 p.m. Pick up Box Lunch

Included in conference registration fee.

12:30 p.m. .75 hr

Making Alphabet Soup in Washington: TARP, TALF, and PIPP

An overview focused on the practical application of the programs related to the Emergency Economic Stabilization Act of 2008, and how those programs relate to the commercial lending and servicing communities.

Jan Sternin, Washington, DC

1:15 p.m. Break

1:30 p.m. 1.00 hr ethics

What Would Lincoln Do?

Competence, diligence, and getting paid: Lincoln's lessons for today's ethical lawyer.

Billie J. Ellis Jr., Dallas, TX

Co-Author: William T. Ellis, Cambridge, MA

2:30 p.m. .50 hr

Will There Still Be a There There After Foreclosure?

A checklist of insurance issues arising prior to and during foreclosure.

Aaron Johnston Jr., Dallas, TX

3:00 p.m. .50 hr

Proposed Title Insurance Rules Regarding Minerals Coverage

The history and status of rule changes on minerals coverage available in title insurance policies pending before the Texas Department of Insurance.

Frederick J. Biel, McAllen, TX

3:30 p.m. Adjourn

COMMENTS FROM PAST MORTGAGE LENDING INSTITUTES

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

"Overall, an excellent program."

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

"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."

"Excellent program."

"This is truly a very good seminar."

ABOUT THE COVER



"Chair Factory" is a 38.75" x 44.75" collage on board by Lance Letscher. For more information, visit www.dbermangallery.com.

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**Presiding Officer*

HOW TO REGISTER

Mail your registration to:

The University of Texas
School of Law
Attn. CLE—ML09
P.O. Box 7759
Austin, TX 78713-7759

Or fax to:
512-475-6876

Or register online:
www.utcle.org

Questions? Call us at 512-475-6700

YOUR ONLINE ACCOUNT BENEFITS

Don't miss out on **special benefits**—take advantage of your online account.

Conference registrants with on-line accounts have access to all PowerPoint presentations and late papers—a few days after the conference—using the Lookback feature.

In addition, all conference sessions are available (30 days after the program) in your member account as online courses—so you can claim full participatory credit for any sessions you may have missed at the live conference.

If you don't already have an online account, sign up today.

It's quick. It's easy. All it takes is your email address and a password.

Visit www.utcle.org

REGISTRATION FOR ML09

Mail this registration form to:

The University of Texas School of Law, Attn. CLE—ML09
P.O. Box 7759, Austin, TX 78713-7759 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 _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION:

Includes Course Binder and Thursday and Friday Box Lunch Presentations

- AUSTIN—September 24–25, 2009
 - Early Registration Fee due by September 16, 2009 \$525.00
 - Registration Fee after September 16, 2009 \$575.00
- DALLAS—October 8–9, 2009
 - Early Registration Fee due by September 30, 2009 \$525.00
 - Registration Fee after September 30, 2009 \$575.00
- HOUSTON Video Replay—November 12–13, 2009
 - Early Registration Fee due by November 4, 2009 \$425.00
 - Registration Fee after November 4, 2009 \$475.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2–4 weeks from the conference date for delivery.

- Course Binder Without Conference Registration \$250.00
Note: Conference registration includes Course Binder.
- DVD Set (with eBinder) \$275.00
- Audio CD Set \$175.00
- eBinder on CD (PDF format) \$250.00/\$50.00
(\$250 purchased alone, \$50 with registration or purchase of Course Binder, Audio CD Set or DVD Set)

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

Allow 2–4 weeks from the 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 number - - -

X _____
Authorized Signature

/
Exp. Date (mm/yy)

E-mail us at
utcle@law.utexas.edu
or call us at
512-475-6700
for more information

AUSTIN

SEPTEMBER 24–25, 2009

CONFERENCE LOCATION



Four Seasons Hotel
98 San Jacinto
Austin, TX 78701
512-685-8100

Special Room Rate: \$235
good through August 31, 2009
(subject to availability)

Parking: Valet \$13/day;
\$7 Self-Parking available in
parking garage across from hotel
(subject to change)

KEY DATES

September 16, 2009, 5 p.m.
last day for early registration
add \$50 for registrations
received after this time

September 18, 2009, 5 p.m.
last day for full refund

September 21, 2009, 5 p.m.
last day for partial refund
\$50 processing fee applied

September 24, 2009, 9 a.m.
conference begins

DALLAS

OCTOBER 8–9, 2009

CONFERENCE LOCATION



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

Parking: Self-parking \$5 (before 9 a.m.),
\$8 (after 9 a.m.)
(subject to change)

Nearby Accommodations: Fairmont Hotel
1717 N. Akard St.
Dallas, TX 75201
214-720-5290

KEY DATES

September 30, 2009, 5 p.m.
last day for early registration
add \$50 for registrations
received after this time

October 2, 2009, 5 p.m.
last day for full refund

October 5, 2009, 5 p.m.
last day for partial refund
\$50 processing fee applied

October 8, 2009, 9 a.m.
conference begins

HOUSTON

NOVEMBER 12–13, 2009

VIDEO REPLAY LOCATION

**Norris Conference Center,
CityCentre**
803 Town & Country Blvd.
Houston, TX 77024
713-590-0950

Parking: Free
(subject to change)

KEY DATES

November 4, 2009, 5 p.m.
last day for early registration
add \$50 for registrations
received after this time

November 6, 2009, 5 p.m.
last day for full refund

November 9, 2009, 5 p.m.
last day for partial refund
\$50 processing fee applied

November 12, 2009, 9 a.m.
video replay begins