

**45<sup>th</sup> Annual Mortgage Lending Institute**  
**September 15-16, 2011 • Four Seasons Hotel • Austin, TX**  
**October 13-14, 2011 • Belo Mansion • Dallas, TX**  
**November 3-4, 2011 • Houston**

**Thursday Morning, Sep. 15, 2011**

**Presiding Officers:**

In Austin: **David W. Tomek**, David Tomek PLLC - Dallas, TX

In Dallas: **David W. Tomek**, David Tomek PLLC - Dallas, TX

8:00 am In Austin Only	<b>Registration Opens</b>  Includes continental breakfast.
8:50 am In Austin Only	<b>Welcoming Remarks</b>
9:00 am In Austin, Dallas Only 0.75 hr 0.25 hr ethics	<b>Case Law Update, Part I</b>  A selection of cases covering a number of topics related to mortgage lending and real estate including foreclosures, loan agreements, guaranties, leases, conveyances and more.  David A. Weatherbie, Cramer Weatherbie Richardson Walker LLP - Dallas, TX
9:45 am In Austin, Dallas Only 0.50 hr	<b>Legislative Update</b>  A report on new laws passed by the Texas Legislature affecting mortgage lending and the practice of real estate law.  In Austin: Justin V. Switzer, Haynes and Boone, LLP - Houston, TX In Dallas: Jill A. Kotvis, Jill A. Kotvis, P.C. - Dallas, TX
10:15 am In Austin Only	<b>Break</b>
10:30 am In Austin, Dallas Only 0.50 hr	<b>Texas Assignment of Rents Act</b>  A discussion of how the new Texas Assignment of Rents will change Texas law and how it will affect lenders, borrowers and tenants.  Julie Patterson Forrester, SMU Dedman School of Law - Dallas, TX

11:00 am In Austin, Dallas Only 0.75 hr	<p><b>The Annotated Guaranty: Redux</b></p> <p>Discussion and analysis of a comprehensive form of Guaranty with updated, detailed annotations drawing upon statutory law, case law, practical observations and drafting concepts for use by practitioners and their clients in a commercial real estate practice.</p> <p>In Austin: Lorin Williams Combs, Winstead PC - Dallas, TX Edward A. Peterson, Winstead PC - Dallas, TX In Dallas: Jeffrey Warren Matthews, Winstead PC - Dallas, TX John M. Nolan, Winstead PC - Dallas, TX</p>
11:45 am In Austin Only	<p><b>Break to Pick Up Lunch</b></p> <p>Included in conference registration fee.</p>

## Thursday Afternoon, Sep. 15, 2011

### Presiding Officers:

In Austin: **Richard L. Spencer**, Johnson Deluca Kurisky & Gould, P.C. - Houston, TX

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

12:00 pm In Austin, Dallas Only 0.75 hr ethics	<p><b>10-Plus Rules of Ethical Decision Making</b></p> <p>Michael P. Maslanka, Constangy, Brooks &amp; Smith, LLP - Dallas, TX</p>
12:45 pm In Austin Only	<p><b>Break</b></p>
1:00 pm In Austin, Dallas Only 0.75 hr 0.25 hr ethics	<p><b>Commercial Real Estate Loans for Securitization under CMBS 2.0</b></p> <p>An update on the Dodd-Frank Act and related regulatory actions, including the Notice of Proposed Rulemaking for Credit Risk Retention, the impact of new regulations on lending and capital market execution for lenders, CREFC Model Representations and Warranties for loan sellers/originators, and how lending in CMBS 2.0 differs from 1.0. The session also includes a discussion of SPE borrower structures, subordinate and mezzanine debt, non-recourse carveout guarantees, and current underwriting issues for loans intended for securitization.</p> <p>Patrick C. Sargent, Andrews Kurth LLP - Dallas, TX</p>
1:45 pm In Austin, Dallas Only 0.75 hr 0.25 hr ethics	<p><b>Scar Tissue Often Beats Brains: Lessons Learned from Busted (or Almost Busted) Sale Contracts</b></p> <p>A discussion of real estate, financing and ethical issues that can be encountered in negotiating and administering purchase and sale agreements.</p> <p>J. Cary Barton, Barton, East &amp; Caldwell, L.L.P. - San Antonio, TX Sara E. Dysart, Attorney at Law - San Antonio, TX</p>
2:30 pm In Austin Only	<p><b>Break</b></p>

2:45 pm In Austin, Dallas Only 0.50 hr	<p><b>Interest Rate Swaps: Expensive Lessons Learned at Harvard University</b></p> <p>A discussion of the basic mechanics of interest rate swaps as seen through the (unbelieving) eyes of Harvard University in a real-life case study that cost them almost \$1 billion to unwind hedges supporting their construction program.</p> <p>Michael D. Cuda, 1600 Legal, Attorneys and Counselors - Fort Worth, TX</p>
3:15 pm In Austin, Dallas Only 0.50 hr	<p><b>Top Ten Insurance Tips for Mortgage Lending</b></p> <p>Do you know the top ten insurance issues that arise in mortgage lending? This presentation explains—in plain English—the pitfalls, and guides you through the problem areas associated with insurance.</p> <p>In Austin: William H. Locke Jr., Graves Dougherty Hearon &amp; Moody, PC - Austin, TX In Dallas: Marilyn C. Maloney, Liskow &amp; Lewis - Houston, TX</p>
3:45 pm In Austin, Dallas Only 0.50 hr	<p><b>Recent Developments in Receiverships</b></p> <p>Over the past few years, drastic twists in economic conditions have created new interest in receiverships as a lender tool of loan recovery. Lenders and borrowers have both developed new strategies for action and advocacy in state and federal courts. This presentation examines cases and statutes of interest to both lenders and borrowers.</p> <p>Charles E. Fiscus, Shackelford Melton &amp; McKinley - Dallas, TX</p>
4:15 pm In Austin, Dallas Only 0.50 hr	<p><b>Title Insurance, Part I: Current Developments in Coverage and Exclusions</b></p> <p>An overview of recent changes in forms and rules, including endorsements, rates and settlement practices, applicable new legislation, and the current state of available coverage.</p> <p><i>In Dallas only, this session will take place Friday at 11:00am</i></p> <p>James L. Gosdin, Stewart Title Guaranty Company - Houston, TX</p>
4:45 pm In Austin, Dallas Only 0.50 hr	<p><b>Title Insurance, Part II: Current Developments in Major Claims and Related Litigation</b></p> <p>A discussion of the current developments in title insurance claims and litigation related to title insurance and escrow services.</p> <p><i>In Dallas only, this session will take place Friday at 11:30am</i></p> <p>Paul D. Pruitt, Fidelity National Title Group - Austin, TX</p>
5:15 pm In Austin Only	<p><b>Adjourn</b></p>

## Friday Morning, Sep. 16, 2011

### Presiding Officers:

In Austin: **Brian C. Rider**, The University of Texas School of Law - Austin, TX

8:00 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
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9:00 am In Austin, Dallas Only 0.75 hr 0.25 hr ethics	<b>Case Law Update, Part II</b>  A continuation of the Case Law Update.  David A. Weatherbie, Cramer Weatherbie Richardson Walker LLP - Dallas, TX
9:45 am In Austin, Dallas Only 0.50 hr 0.25 hr ethics	<b>Developments in Mortgage Loan Opinions including the Annotated Real Estate Finance Opinion Report</b>  A review of the working report of the Annotated Real Estate Finance Opinion prepared by the opinion committees of the ABA Section of Real Property, Trust and Estate Law, ACREL and the ACMA, and current developments with respect to mortgage finance opinions.  Mark B. Knowles, Shackelford Melton & McKinley - Dallas, TX
10:15 am In Austin, Dallas Only 0.50 hr	<b>Hot Topics</b>  A discussion of recent developments and hot topics in mortgage lending, including FASB changes, Assignment of Rents and much more.  Brian C. Rider, The University of Texas School of Law - Austin, TX Richard L. Spencer, Johnson Deluca Kurisky & Gould, P.C. - Houston, TX
10:45 am	<b>Break</b>
11:00 am In Austin, Dallas Only 0.50 hr	<b>Vapor Intrusion and How It Is Impacting Loan Documents, Liability Risks and Remediation Obligations</b>  Vapor intrusion into indoor air as a potential pathway for soil and groundwater contamination is beginning to raise concerns in the real estate and financial industries about public health risks, remediation costs and potential liability during property transactions. This discussion provides an update on vapor intrusion and how it is impacting financing decisions, loan documents, real estate contracts, Phase I Environmental Assessments, and liability, risks and remediation obligations in transactions.  In Dallas only, this session will take place Thursday at 4:15pm  Jill A. Kotvis, Jill A. Kotvis, P.C. - Dallas, TX
11:30 am In Austin, Dallas Only 0.50 hr	<b>Evolving Loan Structures, a.k.a. "Excuse Me, Haven't We Met?"</b>  A review of current developments in loan structures of commercial real estate lending, including a compare/contrast with what they looked like before the latest workout cycle.  In Dallas only, this session will take place Thursday at 4:45pm  Niles Wesley Holmes, Niles Holmes, P.C. - Dallas, TX
12:00 pm	<b>Break to Pick Up Lunch</b>  Included in conference registration fee.

## Friday Afternoon, Sep. 16, 2011

### Presiding Officers:

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

In Dallas: **Chris Alexander Peirson**, Peirson Patterson LLP - Dallas, TX

	<b>Luncheon Presentation</b>
12:15 pm In Austin, Dallas Only 0.75 hr	<p><b>State of the Real Estate Market</b></p> <p>An overview of the current state of the real estate capital markets.</p> <p>In Austin: Greg F. Hallman, The University of Texas McCombs School of Business - Austin, TX</p> <p>In Dallas: Joseph D. Cahoon, The University of Texas McCombs School of Business, Real Estate Finance and Investment Center - Austin, TX</p>
1:00 pm	<b>Break</b>
1:15 pm In Austin, Dallas Only 0.50 hr	<p><b>New ALTA Survey Standards</b></p> <p>A review of The 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys and its practical effects on consumers of land surveys.</p> <p>James Richard White, Winstead PC - Dallas, TX</p>
1:45 pm In Austin, Dallas Only 0.50 hr	<p><b>The Role of the UCC in the Transfer, Ownership and Enforcement of Mortgage Notes</b></p> <p>This presentation furthers the understanding of the Uniform Commercial Code's statutory background by identifying and exploring several key rules in the UCC that govern the transfer and enforcement of notes secured by a mortgage on real property.</p> <p>David P. Derber, Attorney at Law - Benbrook, TX</p>
2:15 pm In Austin, Dallas Only 0.50 hr	<p><b>Loan Originator Compensation: What's Ahead and What Does It Mean for Residential Lending</b></p> <p>An analysis of "Prohibited Acts and Practices in Connection with Credit Secured by a Dwelling" under Regulation Z, Section 36.</p> <p>Thomas G. Overbeck, Gregg &amp; Valby - Houston, TX</p>
2:45 pm In Austin, Dallas Only 0.50 hr	<p><b>Texas Mortgage Lending: Licensing and Registration</b></p> <p>An overview of the primary statutes governing licensing and registration, including a discussion of exemptions and recent developments.</p> <p>Michael K. O'Neal, Winstead PC - Dallas, TX</p>
3:15 pm	<b>Adjourn</b>