

46th Annual Mortgage Lending Institute
October 4-5, 2012 • Belo Mansion • Dallas, TX
October 25-26, 2012 • Four Seasons Hotel • Austin, TX
November 29-30, 2012 • Houston

Thursday Morning, Oct. 4, 2012

Presiding Officers:

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

In Austin: **David A. Weatherbie**, Cramer Weatherbie Richardson Walker LLP - Dallas, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.75 hr 0.25 hr ethics	Case Law Update, Part I 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. In Dallas: David A. Weatherbie, Cramer Weatherbie Richardson Walker LLP - Dallas, TX In Austin: David A. Weatherbie, Cramer Weatherbie Richardson Walker LLP - Dallas, TX
9:45 am 0.50 hr	What We Really Meant to Say Revising the Texas Assignment of Rents in light of Chapter 64 of the Texas Property Code. In Dallas: Lorin Williams Combs, Winstead PC - Dallas, TX Jeffrey Warren Matthews, Winstead PC - Dallas, TX In Austin: Lorin Williams Combs, Winstead PC - Dallas, TX Jeffrey Warren Matthews, Winstead PC - Dallas, TX
10:15 am In Dallas Only	Break

10:30 am 0.75 hr	<p>Negotiating Non-Recourse Carve-Outs in Light of Recent Court Decisions</p> <p>Recent court decisions have brought into question whether borrowers and their guarantors can feel comfortable with the language in loan documents that lenders propose when the bargain made by the business parties is for a so-called non-recourse mortgage loan. This presentation reviews the recent cases and proposes language for mortgage loan documents that will remove some of the exposure-prone provisions (sometimes referred to as "gotchas") while at the same time keeping the legitimate protections that lenders need in non-recourse loans.</p> <p>In Dallas: James H. Wallenstein, Glast, Phillips & Murray - Dallas, TX In Austin: James H. Wallenstein, Glast, Phillips & Murray - Dallas, TX</p>
11:15 am 0.75 hr ethics	<p>Professional Duties under Law of Agency: A Comparison of Duties for Lawyers and Brokers</p> <p>A comparison of the ethical and legal duties of lawyers and brokers to their clients under agency law.</p> <p>In Dallas: Rick M. Albers, Kuperman, Orr & Albers, P.C. - Austin, TX Michael Brian Johnson, Thompson, Coe, Cousins & Irons, LLP - Austin, TX In Austin: Rick M. Albers, Kuperman, Orr & Albers, P.C. - Austin, TX Michael Brian Johnson, Thompson, Coe, Cousins & Irons, LLP - Austin, TX</p>
12:00 pm In Dallas Only	<p>Break for Lunch</p> <p>DALLAS: Networking Lunch at Belo Mansion AUSTIN: Lunch on Your Own</p>

Thursday Afternoon, Oct. 4, 2012

Presiding Officers:

In Dallas: **Philip D. Weller**, DLA Piper US LLP - Dallas, TX

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

1:15 pm 0.75 hr	<p>Alternative Dispositions of Troubled Loans from the Loan Servicer Perspective</p> <p>A review of alternatives servicers utilize in dealing with troubled loans including modifications, discounted payoffs, foreclosures, note sales, deeds-in-lieu and other resolutions. Learn how these alternative resolution strategies are evaluated and analyzed by the loan servicer, with an analysis of legal issues bearing upon the same.</p> <p>In Dallas: Kyle B. Beaty, Winstead PC - Dallas, TX In Austin: Kyle B. Beaty, Winstead PC - Dallas, TX</p>
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2:00 pm 0.50 hr	<p>The Loan Sale: Lessons from the Battlefield</p> <p>War stories from lender and buyer perspectives: from the process and legal issues involved in selling a loan to what to do with a newly acquired loan.</p> <p>In Dallas: Courtney Davis Bristow, Winstead PC - Dallas, TX</p> <p>In Austin: Courtney Davis Bristow, Winstead PC - Dallas, TX</p>
2:30 pm 0.50 hr	<p>After the Foreclosure: Issues Faced by the Buyer</p> <p>The buyer at a foreclosure sale takes title "as is." What this means and what issues should be anticipated and addressed, including status of title, challenges by the borrower, condition of the property and third-party rights.</p> <p>In Dallas: Sara E. Dysart, Attorney at Law - San Antonio, TX</p> <p>In Austin: Sara E. Dysart, Attorney at Law - San Antonio, TX</p>
3:00 pm In Dallas Only	<p>Break</p>
3:15 pm 0.50 hr	<p>Protecting the Lender on the Sale of REO</p> <p>Brief survey of "as is" case law and ideas to protect a lender who is selling property obtained by foreclosure.</p> <p>In Dallas: Kathryn E. Allen, Graves Dougherty Hearon & Moody - Austin, TX D. Michael Baucum, Baucum Steed Barker - San Antonio, TX</p> <p>In Austin: Kathryn E. Allen, Graves Dougherty Hearon & Moody - Austin, TX D. Michael Baucum, Baucum Steed Barker - San Antonio, TX</p>
3:45 pm 0.50 hr	<p>Electronic Contracting: Doing a Deal Deliberately (or Inadvertently) by Email</p> <p>These days, clients (and attorneys) can inadvertently enter into a binding contract by email. The presentation provides an overview of the Texas Electronic Transactions Act, with highlights of cases interpreting the ETA. It also includes an introduction on the use of a third-party service to facilitate e-contracts—eliminating the need and cost of paper files!</p> <p>In Dallas: Kevin M. Kerr, Attorney at Law - Dallas, TX Matthew Meguire Sanderson, Looper Reed & McGraw, P.C. - Dallas, TX</p> <p>In Austin: Kevin M. Kerr, Attorney at Law - Dallas, TX Matthew Meguire Sanderson, Looper Reed & McGraw, P.C. - Dallas, TX</p>

4:15 pm 0.50 hr	<p>Changes and Challenges under CMBS 3.0</p> <p>This session examines how commercial mortgage backed securities (CMBS) have evolved through the economic crisis and what lenders and borrowers can expect in loans being originated for securitization exit. Underwriting issues and structure enhancements, recent case law impacting guarantors, macroeconomic factors and regulatory limbo provide fodder for discussion.</p> <p>In Dallas: Patrick C. Sargent, Andrews Kurth LLP - Dallas, TX In Austin: Patrick C. Sargent, Andrews Kurth LLP - Dallas, TX</p>
4:45 pm 0.50 hr	<p>Financial Covenants for Commercial Real Estate Lending Transactions</p> <p>Questions and concerns related to financial covenants with drafting suggestions to resolve those document deficiencies that arose during the recent workout cycle.</p> <p>In Dallas: Niles Wesley Holmes, Niles Holmes, P.C. - Dallas, TX In Austin: Niles Wesley Holmes, Niles Holmes, P.C. - Dallas, TX</p>
5:15 pm In Dallas Only	<p>Adjourn</p>

Friday Morning, Oct. 5, 2012

Presiding Officers:

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

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

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
9:00 am 0.75 hr 0.25 hr ethics	<p>Case Law Update, Part II</p> <p>A continuation of the Case Law Update.</p> <p>In Dallas: David A. Weatherbie, Cramer Weatherbie Richardson Walker LLP - Dallas, TX In Austin: David A. Weatherbie, Cramer Weatherbie Richardson Walker LLP - Dallas, TX</p>
9:45 am 0.67 hr	<p>Sample Debt and Equity Terms for Multi-Family Financing</p> <p>A survey of terms currently being offered with respect to construction financing and investor equity obtained for new conventional multi-family rental housing developments.</p> <p>In Dallas: J. Cary Barton, Barton, East & Caldwell, P.L.L.C. - San Antonio, TX In Austin: J. Cary Barton, Barton, East & Caldwell, P.L.L.C. - San Antonio, TX</p>
10:25 am	<p>Break</p>

10:40 am 0.50 hr	<p>Old as Dirt Meets Jedi Knights: Mutual-Assured Destruction, a Clear Winner, or Both?</p> <p>A quick survey of tech topics or tools ignored in our loan documents, underutilized on our desktops and about to explode in hands (tablets and smartphones). This session covers tips and resources for taking the tech attack safely to the ground—with a quick view of "where" it is taking us.</p> <p>In Dallas: Keith H. Mullen, Winstead PC - Dallas, TX</p> <p>In Austin: Keith H. Mullen, Winstead PC - Dallas, TX</p>
11:10 am 0.50 hr	<p>The New World of Mortgage Regulation: A Look Back, a Look Around and a Look Forward</p> <p>This presentation focuses on the substantial rewriting of the Truth in Lending and RESPA regulations by the Consumer Financial Protection Bureau. Regulations regarding underwriting for the consumer's ability to repay, the new unified loan disclosures and risk retention for loan sales are discussed together with the impact of these changes on the residential loan documentation and closing process.</p> <p>In Dallas: Barry D. Johnson, SettlePou - Dallas, TX</p> <p>In Austin: Barry D. Johnson, SettlePou - Dallas, TX</p>
11:40 am 0.75 hr	<p>What Do the Attorney General's and OCC Settlements Mean for Law Firms, Lenders, Mortgage Bankers and Servicers?</p> <p>An overview of how residential loan originations and mortgage servicing practices are going to dramatically change the "down-in-the-trenches" operations of medium and smaller size law firms, lenders, mortgage bankers and mortgage servicers.</p> <p>In Dallas: Tommy Bastian, Barrett Daffin Frappier Turner & Engel, LLP - Addison, TX Chris Alexander Peirson, Attorney at Law - Dallas, TX</p> <p>In Austin: Tommy Bastian, Barrett Daffin Frappier Turner & Engel, LLP - Addison, TX Chris Alexander Peirson, Attorney at Law - Dallas, TX</p>
12:25 pm	<p>Break for Buffet Lunch</p> <p>Included in conference registration fee.</p>

Friday Afternoon, Oct. 5, 2012

Presiding Officers:

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

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

Luncheon Presentation

12:45 pm 0.75 hr	<p>State of the Real Estate Market</p> <p>An overview of the current state of the real estate capital markets.</p> <p>In Dallas: Joseph D. Cahoon, The University of Texas McCombs School of Business Real Estate Finance and Investment Center - Austin, TX</p> <p>In Austin: Jay C. Hartzell, The University of Texas McCombs School of Business Real Estate Finance and Investment Center - Austin, TX</p>
1:30 pm	Break
1:45 pm 0.75 hr	<p>Hot Topics</p> <p>A discussion of recent developments and hot topics in mortgage lending.</p> <p>In Dallas: Brian C. Rider, The University of Texas School of Law - Austin, TX Richard L. Spencer, Johnson Deluca Kurisky & Gould, P.C. - Houston, TX</p> <p>In Austin: Brian C. Rider, The University of Texas School of Law - Austin, TX Richard L. Spencer, Johnson Deluca Kurisky & Gould, P.C. - Houston, TX</p>
2:30 pm 0.75 hr	<p>Dealing with Severed Mineral Interests: The Horses Are out of the Barn—Corral Them, Ride Them, or Be Trampled by Them?</p> <p>A quick tour from the basics of mineral and water law for service developers and their lawyers and lenders to new issues in mineral rights law including title insurance limitations, Rule 76, pipeline conundrums, drilling ordinances and their limitations, <i>Lesley v. VLB</i> and its impact on subdivisions, fracking, and more.</p> <p>In Dallas: Terry I. Cross, McClure & Cross LLP - Dallas, TX</p> <p>In Austin: Terry I. Cross, McClure & Cross LLP - Dallas, TX</p>
3:15 pm 0.75 hr ethics	<p>Ethics of Negotiation: Are There Any?</p> <p>What are the boundaries, borders and gray areas for lawyers involved in negotiations? A fast-paced presentation with points to ponder, hypotheticals to consider and something to smile about.</p> <p>In Dallas: Michael J. Golden, Boulette & Golden L.L.P. - Austin, TX</p> <p>In Austin: Jason Boulette, Boulette & Golden L.L.P. - Austin, TX</p>
4:00 pm	Adjourn
	Supplemental Materials