

47TH ANNUAL WILLIAM W. GIBSON, JR.

MORTGAGE LENDING INSTITUTE



AUSTIN
September 19–20, 2013
AT&T Conference
Center

DALLAS
October 10–11, 2013
Belo Mansion

▶ Video Replay HOUSTON
November 6–7, 2013
Norris Conference
Center – CityCentre

Earn up to 13.00 Hours of Credit Including 2.00 Hours of Ethics Credit
Specialization Credit Approved for Real Estate Law and Consumer Law

Credit Available for TREC (up to 9.00 Hours of General Elective MCE) and TDI (up to 10.00 Hours of CE)
TX Appraiser CE Credit Pending

47TH ANNUAL WILLIAM W. GIBSON, JR.
MORTGAGE LENDING INSTITUTE

September 19–20 ▪ AT&T Conference Center ▪ Austin, TX

October 10–11 ▪ Belo Mansion ▪ Dallas, TX

▶ Video Replay November 6–7 ▪ Norris Conference Center – CityCentre ▪ Houston, TX

Earn up to 13.00 Hours of Credit Including 2.00 Hours of Ethics Credit
Specialization Credit Approved for Real Estate Law and Consumer Law

Credit Available for TREC (up to 9.00 Hours of General Elective MCE) and TDI (up to 10.00 Hours of CE)
TX Appraiser CE Credit Pending

THURSDAY MORNING

Presiding Officers:

IN AUSTIN: Janna R. Melton, Attorney
at Law, Austin, TX

IN DALLAS: Niles W. Holmes, Niles
Holmes, P.C., Dallas, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .75 hr | .25 hr ethics

Case Law Update, Part I

Overview of recent cases addressing legal and ethical issues in 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 a.m. .50 hr

Developments from the Texas Legislature

A report on laws passed by the 83rd Legislature affecting mortgage lending and the practice of real estate law.

IN AUSTIN
Vytas A. Petrulis, Jackson Walker L.L.P., Houston, TX

IN DALLAS
Richard A. Crow, Strasburger & Price, LLP, Houston, TX

10:15 a.m. Break

**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 13.00 hours, of which 2.00 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

CONSTRUCTION LENDING

10:30 a.m. .50 hr

Construction Lending 101

The basics of construction lending in the commercial real estate context, including a discussion of the borrower's and lender's objectives plus considerations for documentation.

Michelle M. Moore, Jackson Walker L.L.P., Austin, TX

11:00 a.m. .50 hr

Mechanics Liens:

Safe Harbors and Good Practices

Analysis and application of procedures available to owners for limiting or eliminating exposure to mechanics lien claims, as well as practical solutions to problems created with the recent changes in the Texas Property Code concerning mechanics lien claims for retainage.

Steven E. Kennedy, McGuire, Craddock &
Strother, P.C., Dallas, TX

11:30 a.m. .50 hr

Lender's Perspective: Assuring Cooperation between Architects and Contractors, Key Provisions in Architect's and Contractor's Agreements, and Protecting "Green" Benefits

Drafting, reviewing and negotiating Assignment of Architect's Agreements or Assignment of Construction Contracts from the lender's perspective. Key provisions in loan documents relating to obtaining and maintaining "green building" status as well as other development incentives are discussed.

Bruce Merwin, Haynes and Boone, LLP, Houston, TX

12:00 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officers:

IN AUSTIN: Jane Snoddy Smith, Norton
Rose Fulbright LLP, Austin, TX

IN DALLAS: John M. Nolan, Winstead
PC, Dallas, TX

LUNCHEON PRESENTATION

12:15 p.m. 1.00 hr

Doing Business with Your Banker and Mortgage Broker: Real Estate Finance in Texas 2013

CREW members discuss the status of the real estate economy in Texas in 2013 and projections for 2014—what deals are being done, who is doing them, what problems and solutions are commonly seen, and how they will impact your practice.

1:15 p.m. Break

1:30 p.m. .50 hr

Annotated SNDA

Subordination, Non-Disturbance and Attornment (SNDA) agreements, though a fixture in commercial real estate transactions, are often overlooked or misunderstood by the parties responsible for their drafting and negotiation. A brief introduction to SNDAs in Texas with an annotated form that highlights some of the most commonly negotiated provisions.

Holly E. Magliolo, Winstead PC, Dallas, TX

2:00 p.m. .50 hr

**Mixing Water, Oil, Gas and Wind:
Multiple Lenders in One Tract**

Reconciling the conflicting and correlative rights of surface owners, water rights holders, oil and gas producers, and wind energy operators with the rights of their respective lenders when their interests collide.

James M. Summers, Norton Rose Fulbright LLP,
San Antonio, TX

2:30 p.m. .75 hr

**Construction Lending to the Condo and
Common Interest Community Developer**

A lender's attorney and an association attorney square off over proposed terms for a loan secured by a property within a property owners' or homeowners' association.

Lorin Williams Combs, Winstead PC, Dallas, TX
Jeffrey W. Matthews, Winstead PC, Dallas, TX

3:15 p.m. Break

3:30 p.m. .50 hr

**Ten Commandments of Bankruptcy
for the Real Estate Professional**

A close look at *TOUSA*, treatment of collateral assignments under Texas law, single asset real estate (SARE) cases and other major facets of, and developments in, bankruptcy law that creditors and professionals in the real estate industry need to know.

Cara S. Kelly, Munsch Hardt Kopf & Harr, P.C., Austin, TX
Jay H. Ong, Munsch Hardt Kopf & Harr, P.C., Austin, TX

4:00 p.m. .50 hr

**They're Back! CMBS Lending in 2013:
Lender and Borrower Pointers**

A practitioner's approach to negotiating CMBS loan transactions for both lenders and borrowers—what is negotiable, non-negotiable, and why.

IN AUSTIN
Dan J. Hopper, Thompson & Knight LLP, Dallas, TX
IN DALLAS
Benjamin F.S. Herd, Thompson & Knight LLP, Dallas, TX

4:30 p.m. .50 hr ethics

**Technology and Mortgage Lending:
Trends, Tips and the Ethical Overlay**

The mortgage industry runs on technology, and now the American Bar Association has amended its model ethics rules to incorporate the use of technology. Learn how both affect you in your practice.

Keith H. Mullen, Winstead PC, Dallas, TX

5:00 p.m. Adjourn

FRIDAY MORNING

Presiding Officer:

Brian C. Rider, The University of Texas
School of Law, Austin, TX

8:00 a.m. Conference Room Opens
Includes continental breakfast.

9:00 a.m. .75 hr | .25 hr ethics

Case Law Update, Part II

A continuation of the Case Law Update.

David A. Weatherbie, Cramer Weatherbie
Richardson Walker LLP, Dallas, TX

9:45 a.m. .75 hr

**Laws Remembered and Laws Forgotten:
A Refresher on the Property Code**

A survey of selected provisions of the Property Code and other statutes that do not normally apply in the day-to-day practice of law but could have a serious impact if the practitioner is unaware.

Michael Baucum, Baucum Steed Barker, San Antonio, TX
Joe F. Wheat, Attorney at Law, Houston, TX

10:30 a.m. .33 hr

**The Texas Real Estate Forms Manual:
Not Just for Newbies**

The *Texas Real Estate Forms Manual* has great forms, but also contains valuable practice notes drafted by experienced practitioners to aid in the selection and preparation of documents, and to alert the user to relevant laws and drafting considerations. It also includes a chapter entitled "Laws Affecting Real Estate" which concisely describes numerous federal and state laws pertaining to real estate—some obscure, but many of which may have an important bearing on your practice.

Denise V. Cheney, Bickerstaff Heath Delgado
Acosta LLP, Austin, TX

10:50 a.m. .33 hr

**Making Vendor Finance SAFE for
Client and Lawyer**

Are you "SAFE?" An update on the Texas SAFE Act as it relates to seller financing transactions.

IN AUSTIN
Kristen Quinney Porter, Kiesling, Porter, Kiesling
& Free, P.C., New Braunfels, TX

IN DALLAS
C. Bryan Dunklin, Law Offices of Bryan Dunklin,
Dallas, TX

11:10 a.m. Break

DEVELOPMENTS IN LENDING

11:25 a.m. .67 hr

It's a New World:

**Impending Rules, Regulations and Mortgage
Lending Standards under the Consumer
Financial Protection Bureau**

On January 10, 2014, new mortgage servicing rules, regulations and lending standards amending Regulation Z, which implements the Truth in Lending Act, and Regulation X, which implements the Real Estate Settlement Procedures Act, will be implemented by the Consumer Financial Protection Bureau in accordance with Dodd-Frank. Learn what's coming and how it will affect your practice.

Misty McCarthy, Attorney at Law, Austin, TX

12:05 p.m. .67 hr

**Business Opportunities and Benefits of
PACE Financing for Water and Energy
Conservation**

Property Assessed Clean Energy (PACE) financing represents a valuable alternative that is more consistent with free market principles, creates significant opportunities for a broader range of businesses and provides positive net benefits to local governments. Hear from the state's largest business trade association on the opportunities and benefits that property assessment financing may yield in Texas.

Stephen Minick, Texas Association of Business,
Austin, TX
David M. Robins, Thompson & Knight LLP,
Houston, TX

12:45 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:

Brian C. Rider, The University of Texas School of Law, Austin, TX

LUNCHEON PRESENTATION

1:00 p.m. **1.00 hr**

State of the Financial Markets 2013

An overview of the current state of the financial markets and how it impacts your practice.

IN AUSTIN

Jay C. Hartzell (Invited), The University of Texas at Austin McCombs School of Business Real Estate Finance and Investment Center, Austin, TX

IN DALLAS

Joseph D. Cahoon (Invited), The University of Texas at Austin McCombs School of Business Real Estate Finance and Investment Center, Austin, TX

2:00 p.m. **Break**

2:15 p.m. **.50 hr**

Hot Tips and Current Events of Interest

Discussion of recent developments and hot topics in mortgage lending and related real estate matters.

Brian C. Rider, The University of Texas School of Law, Austin, TX

Richard L. Spencer, Dow Golub Remels & Beverly, LLP, Houston, TX

2:45 p.m. **1.00 hr ethics**

Ethics Racetrack

An interactive game in which the audience can anonymously answer multiple choice ethics questions and compete against each other to "win the race." Winners are announced at the end of the game.

Richard Melamed, Richard Melamed, PLLC, Houston, TX

3:45 p.m. **Adjourn**

ABOUT THE COVER

Cross Currents (diptych), 96" x 48", oil on canvas, is by Maxine Price. For more information on this piece, visit www.maxineprice.com. Image acquisition by Sandra Gregor, art consultant, 512.477.2827.

CONFERENCE FACULTY AND PLANNING COMMITTEE

BRIAN C. RIDER—CHAIR*

The University of Texas School of Law
Austin, TX

J. CARY BARTON*

Barton, East & Caldwell, P.L.L.C.
San Antonio, TX

TOMMY BASTIAN*

Barrett Daffin Frappier Turner & Engel, LLP
Addison, TX

MICHAEL BAUCUM*

Baucum Steed Barker
San Antonio, TX

JOSEPH D. CAHOON (INVITED)

The University of Texas at Austin
McCombs School of Business Real Estate
Finance and Investment Center
Austin, TX

DENISE V. CHENEY

Bickerstaff Heath Delgado Acosta LLP
Austin, TX

LORIN WILLIAMS COMBS

Winstead PC
Dallas, TX

RICHARD A. CROW

Strasburger & Price, LLP
Houston, TX

C. BRYAN DUNKLIN

Law Offices of Bryan Dunklin
Dallas, TX

SARA E. DYSART*

Attorney at Law
San Antonio, TX

JAY C. HARTZELL (INVITED)

The University of Texas at Austin
McCombs School of Business Real Estate
Finance and Investment Center
Austin, TX

BENJAMIN F.S. HERD

Thompson & Knight LLP
Dallas, TX

NILES W. HOLMES*

Niles Holmes, P.C.
Dallas, TX

DAN J. HOPPER

Thompson & Knight LLP
Dallas, TX

CARA S. KELLY

Munsch Hardt Kopf & Harr, P.C.
Austin, TX

STEVEN E. KENNEDY

McGuire, Craddock & Strother, P.C.
Dallas, TX

HOLLY E. MAGLIOLO

Winstead PC
Dallas, TX

MARILYN C. MALONEY*

Liskow & Lewis
Houston, TX

JEFFREY W. MATTHEWS*

Winstead PC
Dallas, TX

MISTY MCCARTHY

Attorney at Law
Austin, TX

RICHARD MELAMED

Richard Melamed, PLLC
Houston, TX

JANNA R. MELTON*

Attorney at Law
Austin, TX

BRUCE MERWIN

Haynes and Boone, LLP
Houston, TX

STEPHEN MINICK

Texas Association of Business
Austin, TX

MICHELLE M. MOORE

Jackson Walker L.L.P.
Austin, TX

JULIAN M. MOSS JR.*

Attorney at Law
Houston, TX

KEITH H. MULLEN

Winstead PC
Dallas, TX

JOHN M. NOLAN*

Winstead PC
Dallas, TX

JAY H. ONG

Munsch Hardt Kopf & Harr, P.C.
Austin, TX

THOMAS G. OVERBECK*

Gregg & Valby, PC
Houston, TX

CHRIS ALEXANDER PEIRSON*

Attorney at Law
Dallas, TX

VYTAS A. PETRULIS

Jackson Walker L.L.P.
Houston, TX

KRISTEN QUINNEY PORTER

Kiesling, Porter, Kiesling & Free, P.C.
New Braunfels, TX

DAVID M. ROBINS

Thompson & Knight LLP
Houston, TX

ANN M. SAEGERT*

Haynes and Boone, LLP
Dallas, TX

GREGORY J. SMITH*

The University of Texas School of Law
Austin, TX

JANE SNODDY SMITH*

Norton Rose Fulbright LLP
Austin, TX

RICHARD L. SPENCER

Dow Golub Remels & Beverly, LLP
Houston, TX

JAMES M. SUMMERS

Norton Rose Fulbright LLP
San Antonio, TX

JONATHAN THALHEIMER*

McGuire, Craddock & Strother, P.C.
Dallas, TX

DAVID A. WEATHERBIE*

Cramer Weatherbie Richardson Walker LLP
Dallas, TX

JOE F. WHEAT*

Attorney at Law
Houston, TX

THOMAS M. WHELAN*

McGuire, Craddock & Strother, P.C.
Dallas, TX

REID C. WILSON*

Wilson, Cribbs & Goren, P.C.
Houston, TX

*Planning Committee Member

HOW TO REGISTER

Register online:

www.utcle.org

Or mail your registration to:

The University of Texas
School of Law
Attn. Registration
PO Box 7759
Austin, TX 78713-7759

Or fax to:

512.475.6876

Questions? Call us at 512.475.6700

*Dietary requirements or Accessibility needs?
Call 512.475.6700 or email service@utcle.org*

REGISTRATION BENEFITS

Before the Conference: Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in *Your Briefcase* 48 hours before the conference.

After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in *Your Briefcase*.

Bonus eCourses: Complimentary 180-day access to Bonus eCourses—with papers, slides, and audio—for CLE credit you may have missed at the conference. Available in *Your Briefcase* 6-8 weeks after the conference.

TX MCLE Credit Reporting: UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track your Texas MCLE credit claimed and reported through UT Law CLE in *Your Account*.

Your Account: Create *Your Account* online at www.utcle.org. Your UT Law CLE Account is created for you as a first-time conference registrant (mail and fax registrations) with the email address you provide.

IN-HOUSE AND CONFERENCECOMPLETE MATERIALS

In-House

Bring the conference in-house. Audio presentations and written materials for learning with your colleagues—for Texas MCLE credit. We manage the accreditation process from approval to reporting. Custom packages available.

ConferenceComplete Materials

ConferenceComplete. Comprehensive Audio and Binders from live conferences—for research and self-study. Available for download and shipping.

REGISTRATION FORM

PLEASE PRINT CLEARLY

ML13

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—AUSTIN: Sept. 19–20 | DALLAS: Oct. 10–11 | HOUSTON Video Replay: Nov. 6–7

Includes Course Materials and Thursday and Friday Luncheon Presentations

For Group registration, call 512.475.6700.

1. Select Location and Type

- ☐ AUSTIN Registration by Wednesday, September 11 \$550
- ☐ AUSTIN Registration after Wednesday, September 11 \$600
- ☐ DALLAS Registration by Wednesday, October 2 \$550
- ☐ DALLAS Registration after Wednesday, October 2 \$600
- ☐ HOUSTON Video Replay Registration by Wednesday, October 30 \$450
- ☐ HOUSTON Video Replay Registration after Wednesday, October 30 \$500

2. Select Course Materials Format

- ☐ Electronic Materials on USB Key ONLY
- ☐ Printed Course Binder ONLY

IN-HOUSE—For Texas MCLE Credit

ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3–5 weeks after Austin date. Shipping included.

- ☐ In-House CLE for 2 \$850
- _____ Additional participant(s) for \$275 each \$ _____

CONFERENCECOMPLETE MATERIALS[†]—For Research and Self-Study

Comprehensive Binder and Audio products from the live conference.

Available for delivery 3–5 weeks after Austin date. Shipping included.

- ☐ eBinder Download (PDF) \$225
- ☐ Printed Binder \$275
- ☐ Audio Download (MP3) \$175
- ☐ Audio CD Set \$225

[†]Texas customers—add 8.25% sales tax, or include an Exemption Certificate \$ _____

Sales tax will be invoiced separately on taxable orders for which payment does not include tax.

TOTAL \$ _____

METHOD OF PAYMENT

- ☐ Check (make check payable to The University of Texas at Austin)
- ☐ VISA ☐ MasterCard (sorry, no AMEX or Discover)

Card number - - -

X _____
Authorized Signature

/
Exp. Date (mm/yy)

Visit

www.utcle.org

Email

service@utcle.org

Call

512.475.6700

for more information

AUSTIN

September 19–20, 2013

CONFERENCE LOCATION



AT&T Conference Center

1900 University Avenue
Austin, TX 78705
512.404.3600

Special Room Rate: \$174

good through September 11, 2013
(subject to availability)

Parking:

Free daily self-parking at UT garages. Separate fees apply for valet and overnight parking

KEY DATES

September 11, 2013

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

September 13, 2013

last day for full refund

September 16, 2013

last day for partial refunds
\$50 processing fee applied

September 19, 2013, 8:50 a.m.

Institute begins

DALLAS

October 10–11, 2013

CONFERENCE LOCATION



Belo Mansion

2101 Ross Avenue
Dallas, TX
214.220.0239

Parking:

\$4 per day for Dallas Bar members
\$10 per day for non-Dallas Bar members

KEY DATES

October 2, 2013

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

October 4, 2013

last day for full refund

October 7, 2013

last day for partial refunds
\$50 processing fee applied

October 10, 2013, 8:50 a.m.

Institute begins

HOUSTON

November 6–7, 2013

VIDEO REPLAY LOCATION



Norris Conference Center – CityCentre

816 Town and Country Blvd.
Houston, TX
713.590.0950

Parking:

Complimentary

KEY DATES

October 30, 2013

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

November 1, 2013

last day for full refund

November 4, 2013

last day for partial refunds
\$50 processing fee applied

November 6, 2013, 8:50 a.m.

Video Replay begins