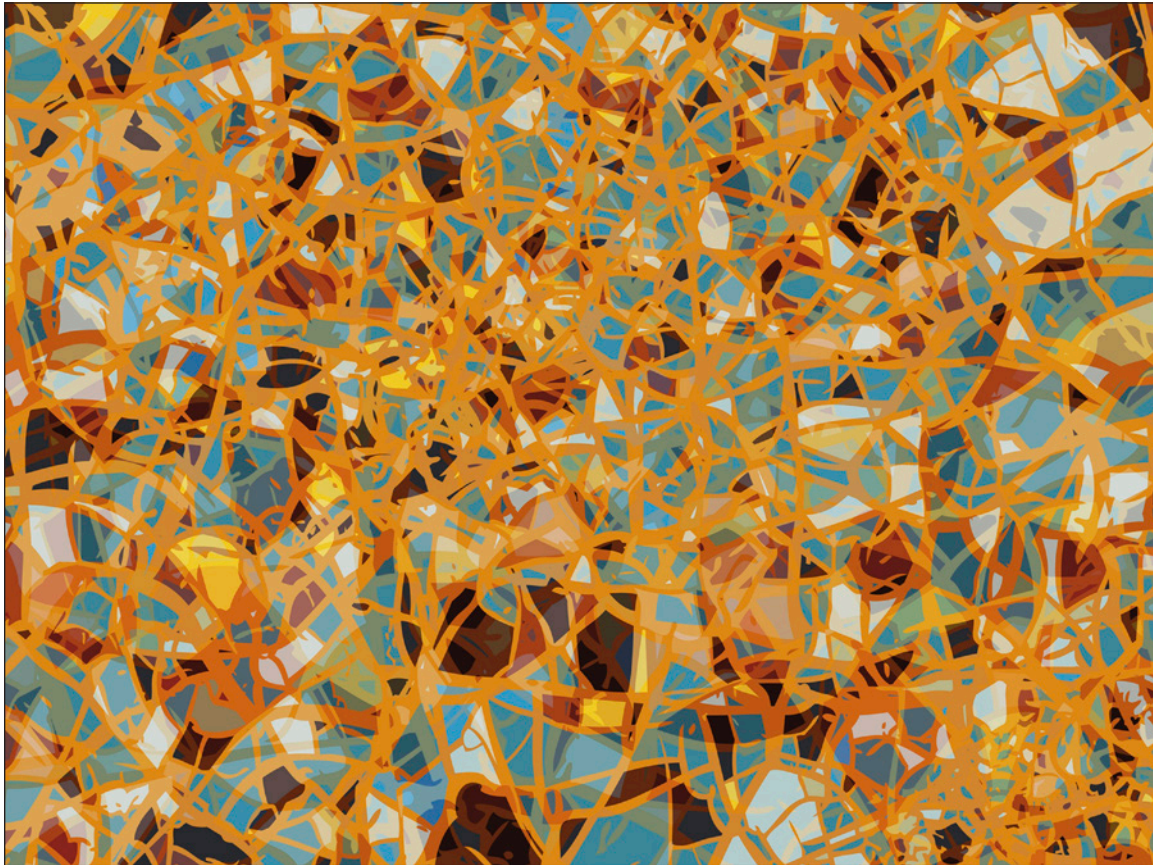


49TH ANNUAL WILLIAM W. GIBSON, JR.

MORTGAGE LENDING INSTITUTE



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MORTGAGE LENDING INSTITUTE

September 17–18, 2015 ■ AT&T Conference Center ■ Austin, Texas
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THURSDAY MORNING

Presiding Officer:

**Tommy Bastian, Barrett Daffin Frappier
 Turner & Engel, LLP, Addison, 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 84th Texas Legislature affecting mortgage lending and the practice of real estate law.

IN AUSTIN

John H. "Jack" Miller III, Irelan McDaniel, PLLC,
 Houston, TX

IN DALLAS

Jack P. Turano III, Hoover Slovacek LLP, Houston, TX

10:15 a.m. .50 hr

Foreclosure Update—The Courts Have Spoken and You Need to Hear This!

Buckle up and prepare for a fast and furious ride through the dynamic realm of foreclosure.

Robert D. Forster II, Barrett Daffin Frappier Turner &
 Engel, LLP, Addison, TX

10:45 a.m. Break

**MORTGAGE LENDING
 REVIEW AND ESSENTIALS**

11:00 a.m. .50 hr

**Lender Provisions in Leases:
 Getting Your Priorities Straight**

Identify the basic lease provisions that are generally of greatest importance to lenders on loans secured by single-tenant and multi-tenant nonresidential, income-producing, commercial real estate while considering the impact of the Texas Assignment of Rents Act (TARA).

Thomas M. Whelan, McGuire, Craddock & Strother,
 P.C., Dallas, TX

11:30 a.m. .50 hr

Guaranty Liability

Issues that guarantors should consider in negotiating guaranties in order to avoid unpleasant surprises.

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

12:00 p.m. .50 hr

ESIGN Consent

A practitioner's approach to drafting an enforceable ESIGN pre-consent disclosure with reference to applicable case law.

Christopher W. Christensen, PeirsonPatterson, LLP,
 Dallas, TX

12:30 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

LUNCHEON PRESENTATION

Introduction

IN AUSTIN

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

IN DALLAS

Tommy Bastian, Barrett Daffin Frappier Turner &
 Engel, LLP, Addison, TX

12:50 p.m. .50 hr

**Rescission in the Truth in Lending Act:
 The UT Law Supreme Court Clinic's Victory
 on Behalf of Borrowers in *Jesinoski v.
 Countrywide Home Loans, Inc.***

In January 2015, the United States Supreme Court handed down a succinct 9-0 decision in favor of borrowers seeking to rescind mortgages under the Truth in Lending Act, surprising many Court watchers. Hear a brief analysis of the UT Law Supreme Court Clinic's strategic choices in seeking certiorari in this case while the issue was moving through several courts of appeals simultaneously, and then in successfully litigating on behalf of borrowers against Seth Waxman and Bank of America.

Lynn E. Blais, Co-Director of the Supreme Court Clinic,
 The University of Texas School of Law, Austin, TX

1:20 p.m. Break

Concurrent Sessions

COMMERCIAL LENDING

Presiding Officers:

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

**IN DALLAS: Charles E. Fiscus,
 Shackelford, Melton, McKinley &
 Norton, LLP, Dallas, TX**

1:35 p.m. .50 hr

Standby Letters of Credit: Tips and Traps

Whether representing the beneficiary of a letter of credit, the party required to post a letter of credit, or the bank issuing the letter of credit, it is important to understand the structure of these transactions. Learn the risks and benefits of letter of credit transactions applicable to all three parties.

Marilyn C. Maloney, Liskow & Lewis, Houston, TX

2:05 p.m. .50 hr

**The Troublesome Opinion Requests:
 Dealing with It**

Gain insight into inappropriate requests for legal opinions and learn how to respond to such requests, including alternatives that may be proposed.

Stephen C. Tarry, Vinson & Elkins LLP, Houston, TX

2:35 p.m. .50 hr

**Foreclosing Security Interests on Non-
 Securitized Single Family Residential Real
 Estate Secured Promissory Notes**

Review the foreclosure of UCC Chapter 9 security interests on promissory notes secured by single family residences and the impact that UCC Chapter 3 has on such foreclosures.

Frederick J. Biel, Atlas Hall Rodriguez, McAllen, TX

3:05 p.m. .50 hr

Title Insurance: Closing Protection Letters

Take a closer look at closing protection letters—what they do, what they don't do, and why you need them in real estate transactions—and gain timely insight into trends in closing protection letters and liability in the real estate settlement process.

James L. Gosdin, Stewart Title Guaranty Company,
 Houston, TX

3:35 p.m. Break

Concurrent Sessions

RESIDENTIAL LENDING

Presiding Officer:

Tommy Bastian, Barrett Daffin Frappier
Turner & Engel, LLP, Addison, TX

1:35 p.m. .50 hr

Reverse Mortgages: An Idea Whose Time Has Come

Hear a brief overview of the history of reverse mortgages, the compelling need for such loan programs in retirement planning in the United States today, and the legal challenges that face reverse mortgage lenders and servicers.

James M. Milano, Weiner Brodsky Kider PC,
Washington, DC

2:05 p.m. .50 hr

TILA-RESPA Integrated Disclosures

An overview of how practices in the real estate industry are impacted by the TILA-RESPA Integrated Disclosure rule, including process and workflow challenges presented around pre-application, application, provision of upfront loan estimates, and closing disclosures under the new rule.

Chris A. Peirson, PeirsonPatterson, LLP, Dallas, TX

2:35 p.m. .50 hr

Successfully Navigating the Texas Foreclosure Statute of Limitations Minefield

There has been a considerable increase in Texas lawsuits filed to void residential liens based on the expiration of the statute of limitations to foreclose. To assist in navigating the foreclosure limitations minefield and avoid the draconian result of a voided lien, the accrual, tolling, and stopping of the limitations clock become of paramount importance in foreclosure litigation.

Jason L. Sanders, Locke Lord LLP, Dallas, TX

3:05 p.m. .50 hr

Hot Property Owner Association (POA) Topics for Lenders' Lawyers

Gain insight into the most pertinent subject matter when lenders and property owners associations cross paths, including lien priority and/or subordination issues, lenders' right of redemption, and a wish list for lenders from a POA lawyer.

Brady Ortego, Roberts Markel Weinberg Butler
Hailey PC, Houston, TX

3:35 p.m. Break

THURSDAY AFTERNOON, CONTINUED

Presiding Officers:

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

IN DALLAS: Charles E. Fiscus,
Shackelford, Melton, McKinley &
Norton, LLP, Dallas, TX

3:45 p.m. .50 hr

Construction Lending: Mechanic's Liens and How They Work

An overview of Texas mechanic's and materialman's lien laws, and a discussion of lien law issues that lenders should consider when getting involved in a construction project.

Andrea Alford Hight, Winstead PC, Dallas, TX

4:15 p.m. .75 hr ethics

Attorneys in the Hot Seat: Problems and Solutions

Explore selected recurring problem areas for lawyers, consider how the ethics rules may apply, and hear suggestions for real estate lawyers.

Nicole T. LeBoeuf, Anderson Tobin, PLLC, Dallas, TX

5:00 p.m. Adjourn

FRIDAY MORNING

Presiding Officers:

IN AUSTIN: Paul D. Pruitt,
Fidelity National Title Group, Austin, TX

IN DALLAS: Mark McPherson,
Attorney at Law, Dallas, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 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

9:15 a.m. .50 hr

Title Insurance Coverage: Current Issues

Current issues in title insurance from attorneys representing commercial real estate buyers, lenders, and counsel for title insurers.

Jerel J. Hill, Attorney at Law, Kingwood, TX

9:45 a.m. .75 hr

Responding to the Title Commitment and Survey

An outline and discussion of the analysis of a title commitment, types of responses for buyer's and lender's counsel, and integrating the survey into the title commitment.

William A. Kramer, Republic Title of Texas, Inc.,
Dallas, TX

10:30 a.m. Break

SOURCES OF FUNDING: WHERE IS THE MONEY COMING FROM?

10:45 a.m. .50 hr

Basics of EB-5 Lending

Review the basics of EB-5 lending/investing in the commercial real estate context, including the statutory basis for the program, requirement of job creation, and typical structures and projects. Hear considerations for traditional lenders when EB-5 money is in the capital stack, including setting reasonable expectations, and look at common compliance issues associated with EB-5 programs.

Mark L. Patterson, Akin Gump Strauss Hauer & Feld LLP,
Dallas, TX

11:15 a.m. .50 hr

Crowdfunding

A look at crowdfunding as a source of financing in real estate projects and development and its impact on real estate lending.

Bjorn J. Hall, Fundrise, Washington, DC

11:45 a.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

12:05 p.m. .75 hr

Capital Sources and Current Trends in Real Estate Financing

A look into where real estate capital is coming from in 2015, along with a discussion on emerging sources and trends in the industry.

IN AUSTIN

Casey Knust, CBRE Capital Markets, Austin, TX

IN DALLAS

Scott Lewis, CBRE Capital Markets, Dallas, TX

12:50 p.m. Break

1:05 p.m. .75 hr

Identifying and Indemnifying against Environmental Risks

A brief introduction to and identification of environmental risks of concern to secured lenders and borrowers, highlighting recent developments of interest in environmental law, followed by a deeper dive into environmental indemnity agreements and a discussion on how they might be simplified to better achieve parties' objectives.

Jeff Civins, Haynes and Boone, LLP, Austin, TX
Mary S. Mendoza, Haynes and Boone, LLP, Austin, TX

1:50 p.m. .75 hr

Health Care Facilities Lending

Understand the unique considerations, special regulations (and potential pitfalls), and resources available in lending or developing for a health care facility.

Mary Taylor Henderson, Texas Department of Aging and Disability Services, Austin, TX
Derek J. Jakovich, Texas Department of State Health Services, Austin, TX
Nancy A. Shellhorse, Carls, McDonald & Dalrymple, LLP, Austin, TX

2:35 p.m. .50 hr

Hot Topics and Tips

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

IN AUSTIN

Brian C. Rider, The University of Texas School of Law, Austin, TX
Travis J. Siebeneicher, DuBois, Bryant & Campbell, LLP, Austin, TX

IN DALLAS

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

3:05 p.m. .75 hr ethics

How to Save Your Job and Still Keep Your Soul

Whether a new lawyer or an experienced one, in-house counsel or law firm, we each deal with difficult ethical dilemmas in our jobs or in counseling others: clients suggesting perjury; being ordered to go down a questionable litigation path; investigating and managing ethical issues in our own practices and for clients. Learn specific techniques for raising an ethical issue with a client or colleague, avoiding ethical dilemmas, neutralizing an unethical instruction, and effective storytelling.

IN AUSTIN

DeDe Wilburn Church, DeDe Church & Associates, LLC, Austin, TX
Michael P. Maslanka, FisherBroyles, LLP, Dallas, TX

IN DALLAS

Liz D'Aloia, HR Virtuoso Company, Dallas, TX
Michael P. Maslanka, FisherBroyles, LLP, Dallas, TX

3:50 p.m. Adjourn

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.50 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).

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Early registration cutoff Wednesday, October 28

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AUSTIN

September 17–18, 2015

CONFERENCE LOCATION



AT&T Conference Center
 1900 University Avenue
 Austin, Texas
 512.404.3600

Special Room Rate: \$185
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 (subject to availability)

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KEY DATES

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September 11, 2015

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September 14, 2015

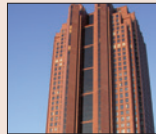
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September 17, 2015, 8:50 a.m.
Institute begins

DALLAS

November 5–6, 2015

CONFERENCE LOCATION



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Warwick Melrose Hotel Dallas
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November 5, 8:50 a.m.
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- David Weatherbie's annual *Case Law Update* and significant developments from the 84th Texas Legislature
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- Commercial lending issues and hot topics including "tips and traps" in letters of credit transactions, dealing with troublesome opinion requests and trends in closing protection letters and liability
- Residential lending issues and hot topics including reverse mortgages and the challenges that face mortgage lenders and servicers, the impact of the TILA-RESPA Integrated Disclosure rule and key issues often encountered when lenders and property owners' associations cross paths
- Analysis of how to *Identify and Indemnify against Environmental Risks* including a walk-through of sample indemnity agreements and language
- Luncheon Presentation on *Capital Sources and Current Trends in Real Estate Financing*, plus a deeper dive into trends around foreign investment (EB-5 investors) and crowdfunding
- Plus Mortgage Lending Hot Topics, 2.00 hours of ethics and more!