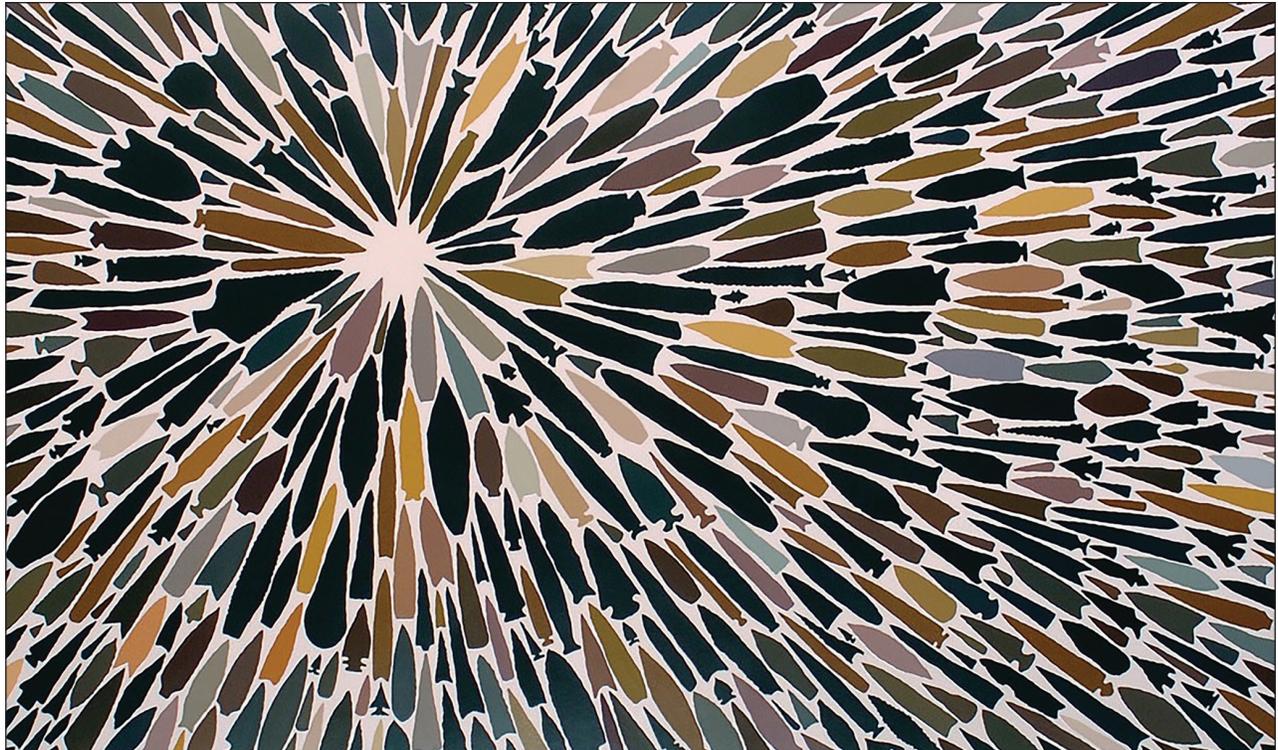


50<sup>TH</sup> ANNUAL WILLIAM W. GIBSON, JR.

# MORTGAGE LENDING INSTITUTE



AUSTIN

September 29–30, 2016  
AT&T Conference Center

DALLAS

October 20–21, 2016  
Cityplace Conference Center

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Consumer and Commercial Law, and Real Estate Law

50<sup>TH</sup> ANNUAL WILLIAM W. GIBSON, JR.  
**MORTGAGE LENDING INSTITUTE**

September 29–30, 2016 ■ AT&T Conference Center ■ Austin, Texas  
 October 20–21, 2016 ■ Cityplace Conference Center ■ Dallas, Texas

Earn up to 14.00 Hours of Credit Including 2.50 Hours of Ethics Credit  
 TX Legal Specialization Credit Expected for Bankruptcy Law, Consumer and Commercial Law, and Real Estate Law

**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**

Hear 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**

**Federal Regulatory Update**

Although the Dodd Frank Act was enacted in 2010, the “final” regulations are still taking shape. Review the most recent developments in residential mortgage consumer compliance issues, including small creditor exemptions, HMDA changes, and mortgage loan officer issues.

Karen M. Neeley, Kennedy Sutherland LLP, Austin, TX

**10:15 a.m. Break**

**10:30 a.m. .50 hr**

**The Dawn of CMBS 4.0: Changes and Challenges in a New Regulatory Regime**

Explore the regulatory framework under Dodd-Frank, Regulation AB and Risk Retention, how it affects the availability and cost of capital, who are the new lender entrants, what are the improvements and challenges, and how these impact borrowers.

Patrick C. Sargent, Alston & Bird LLP, Dallas, TX

**ABOUT THE COVER**



*Black Moon Cache, 33" x 72", acrylic on paper, is by Faith Gay.*

**11:00 a.m. .50 hr**

**High Volatility Commercial Real Estate Loans: New Federal Rules and the Impact on Loan Availability**

Explore the new Basel III real estate designation of High Volatility Commercial Real Estate (HVCRE), the related regulatory capital rules, and the effect that these rules have on commercial construction financing.

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

**11:30 a.m. .50 hr**

**Local Counsel Real Estate Opinion Report**

Learn current best practices and market customs for issuing of local counsel opinions in Texas mortgage lending transactions.

**IN AUSTIN**  
 Lorin Williams Combs, Winstead PC, Austin, TX  
**IN DALLAS**  
 Barry E. Putterman, Winstead PC, Houston, TX

**12:00 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

**12:20 p.m. .75 hr**

**The Future of Legal Services**

Take a look at the shifting paradigm of legal service in our ever-changing global and technological age and how familiar practice structures are being altered by a new legal marketplace.

Hon. Lora J. Livingston, 261<sup>st</sup> District Court, Austin, TX

**1:05 p.m. Break**

**Concurrent Sessions**

**COMMERCIAL LENDING**

**Presiding Officers:**

**IN AUSTIN: J. Cary Barton, Barton, East & Caldwell, P.L.L.C., San Antonio, TX**

**IN DALLAS: David W. Tomek, Attorney at Law, Dallas, TX**

**1:20 p.m. .50 hr**

**The Ins and Outs of E-Signatures and Authentication**

What is E-Signature and how will the mortgage industry be impacted by the E-SIGN Act?

Regina M. Uhl, Black, Mann & Graham L.L.P., Dallas, TX

**1:50 p.m. .50 hr**

**Using Auctions to Sell and Market Real Estate**

Explore the various types of auctions, common legal issues, and the use of title insurance.

**IN AUSTIN**  
 James L. Gosdin, Stewart Title Guaranty Company, Houston, TX

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

**2:20 p.m. .50 hr**

**Borrowing Entities—Dos and Don'ts of Using Series LLCs or Delaware Statutory Trusts**

Allen Sparkman, Sparkman + Foote LLP, Houston, TX

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

**Special Issues in Drafting a Contract with a CMBS Loan Assumption**

The process of closing a property secured by a CMBS loan is unique and a real mine field for the uninitiated lawyer. Learn about the special clauses for a contract, and gain tips and tricks to help you navigate through the process from application to closing.

Kevin M. Kerr, Attorney at Law, Dallas, TX

**3:20 p.m. Break**

## RESIDENTIAL LENDING

### Presiding Officers:

**IN AUSTIN:** Sara E. Dysart, Attorney at Law, San Antonio, TX

**IN DALLAS:** Chris A. Peirson, PeirsonPatterson, LLP, Dallas, TX

1:20 p.m. .50 hr

### TRID/Residential Disclosures

Hear an overview of the TRID forms, including a discussion on avoiding investor stipulations on Closing Disclosures.

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

1:50 p.m. .50 hr

### CFPB Loss Mitigation Update

View current rules, proposed revisions, and expanding responsibility.

Theodore J. Riney, Riney Packard PLLC, Dallas, TX

2:20 p.m. .50 hr

### Residential Bankruptcy Issues and Bankruptcy Forms—Conduit and Claims (When Worlds Collide)

Learn about important forms for filing a residential mortgage proof of claim and what “conduit” means in the residential loan market.

Pam Bassel, Standing Chapter 13 Trustee, Fort Worth, TX

2:50 p.m. .50 hr

### Residential Evictions Issues

Learn best practices for often-encountered issues surrounding residential evictions in Texas.

**IN AUSTIN**  
John “Jack” O’Boyle, Jack O’Boyle & Associates, Dallas, TX

**IN DALLAS**  
Travis H. Gray, Jack O’Boyle & Associates, Dallas, TX

3:20 p.m. Break

### Presiding Officers:

**IN AUSTIN:** J. Cary Barton, Barton, East & Caldwell, P.L.L.C., San Antonio, TX

**IN DALLAS:** David W. Tomek, Attorney at Law, Dallas, TX

3:30 p.m. .50 hr | .25 hr ethics

### Side Letter Agreements: The Real Estate Lawyer’s BFF (or Worst Enemy)?

Side Letter Agreements (SLA) can be integral to a successful transactional closing, especially when inventory and personal property transfer is involved or special logistical arrangements are needed prior to or simultaneously with closing. A transactional lawyer should understand the helpful but limited function of a properly drafted SLA so as to not vary or impinge sales contract details or closing protocol.

Charles Fiscus, Shackelford, Melton, McKinley & Norton, LLP, Dallas, TX

4:00 p.m. .50 hr

### Thirty Tech Tips for Your CREF Practice

Get tips on using technology, both existing and soon to arrive, that will help you enhance—or simply keep—your real estate finance practice.

Keith H. Mullen, Higier Allen & Lautin, P.C., Dallas, TX

4:30 p.m. .50 hr | .25 hr ethics

### Managing Cyber Liability: Protecting Records and Financial Information

Learn how to manage cyber liability by protecting sensitive data from unauthorized disclosure.

**IN AUSTIN**  
Emily Westridge Black, Haynes and Boone, LLP, Austin, TX

**IN DALLAS**  
Timothy A. Newman, Haynes and Boone, LLP, Dallas, TX

5:00 p.m. .50 hr ethics

### Detecting and Preventing Fraud in Closings

Learn what to look for in order to avoid fraudulent conduct prior to and at a real estate closing.

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

5:30 p.m. Adjourn

## FRIDAY MORNING

### Presiding Officers:

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

**IN DALLAS:** Laura L. McClellan, K&L Gates LLP, Dallas, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .75 hr | .25 hr ethics

### Case Law Update, Part II

Continue the Case Law Update.

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

9:15 a.m. .50 hr

### Title Insurance Update: Implications and Interpretations of Key Cases

Review key Texas cases concerning title insurance, including lessons learned from *Doubletree*.

Paul D. Pruitt, Fidelity National Title Group, Austin, TX

9:45 a.m. Break

**M  
C  
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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 14.00 hours, of which 2.50 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).

10:00 a.m. .50 hr

### Water Is Not Just for Diluting the Banker’s Good Scotch: Mortgage Lending on Collateral Dependent on Water

Explore your options for collateral that is dependent on the value or supply of water, identifying due diligence and regulation landmines and learning documentation best practices and tricks of the trade for valuing, securing, and the foreclosure of water rights.

**IN AUSTIN**  
Grady B. Jolley, Branscomb | PC, San Antonio, TX

**IN DALLAS**  
Ed McCarthy, Jackson, Sjoberg, McCarthy & Townsend, L.L.P., Austin, TX

10:30 a.m. .75 hr

### Workouts and Restructurings

Analyze key issues and documents in real estate workouts from both the transactional and litigation perspectives.

Brian T. Morris, Winstead PC, Dallas, TX  
John M. Nolan, Winstead PC, Dallas, TX

11:15 a.m. .50 hr

### Phantom Income:

#### The 1099-C and How You Can Protect Yourself

Trick or treat? Learn how to successfully navigate the treacherous maze of ever-changing rules implemented by the Internal Revenue Service as they relate to your law practice.

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

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.

### Recognition and Retrospective:

#### 50<sup>th</sup> Anniversary of the William W. Gibson Mortgage Lending Institute

12:15 p.m. .75 hr

### The Future of Retail

**IN AUSTIN**  
Speaker TBD

**IN DALLAS**  
Clay Hallman, Simon, Indianapolis, IN

1:00 p.m. Break

1:15 p.m. .75 hr

### Bankruptcy in the Real Estate Sector

Consulting its specially-fabricated “Bankruptcy Crystal Ball,” the panel offers insight into the issues that will dominate the next real estate crash (and there will be one!) and discusses strategies to protect today’s deals from the ravages of those issues. Plus, explore some of the more significant recommendations from the ABI Commission on proposed changes to the Bankruptcy Code, with insights and observations on the Commission’s work and its chances of success.

#### IN AUSTIN

##### Moderator:

Hon. Jeff Bohm, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX

##### Panelists:

Mark E. Andrews, Dykema Cox Smith, Dallas, TX  
Berry D. Spears, Locke Lord LLP, Austin, TX

#### IN DALLAS

##### Moderator:

Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas, Austin, TX

##### Panelists:

Berry D. Spears, Locke Lord LLP, Austin, TX  
Deborah D. Williams, Dykema Cox Smith, San Antonio, TX

2:00 p.m. .75 hr | .25 hr ethics

### Environmental Law Confidential: Useful Tips and Urban Myths in Real Estate Transactions

Pick up practical and timely tips to successfully navigate through real estate transactions involving environmental issues. This frank discussion includes statutory and contractual legal protections available to lenders and borrowers, the importance of due diligence and how to manage environmental consultants, environmental insurance, and the emerging focus on vapor intrusion.

Steve Morton, K&L Gates LLP, Austin, TX

2:45 p.m. Break

3:00 p.m. .50 hr

### Hot Topics

Hear about 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  
Travis J. Siebeneicher, DuBois, Bryant & Campbell, L.L.P., Austin, TX

3:30 p.m. .75 hr ethics

### Here But for the Grace of God Go You: Why the Texas Lawyer’s Creed Matters

Learn how to be the opposing counsel your profession needs without compromising your ethical duties to your client—an autobiography of four family deaths in eleven months.

Mark McPherson, Attorney at Law, Dallas, TX

4:15 p.m. Adjourn

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### Fax:

512.475.6876

**Questions? 512.475.6700**

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

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**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*.

**eConference:** Complimentary 180-day access to the eConference—with papers, slides, and audio—for CLE credit (TX and CA) you may have missed at the live conference. Available in *Your Briefcase* 6–8 weeks after the conference.

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**Your Account:** Activate *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.

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Bring The Mortgage Lending Institute 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.

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**REGISTRATION—Includes Electronic Course Materials and Thursday and Friday Luncheon Presentations** Special group registration rates available. Call 512.475.6700.

### 1. Select Registration Type

**AUSTIN—September 29–30, 2016**

Early registration cutoff Wednesday, September 21

**DALLAS—October 20–21, 2016**

Early registration cutoff Wednesday, October 12

### 2. Select Registration Type

Individual registration by cutoff date . . . . . \$575

Individual registration after date. . . . . \$625

### 3. Select Course Materials Format

Electronic Course Binder Download (PDF) ONLY

PURCHASE: Printed Course Binder for Austin (available through September 21) . . . . . \$27.06

PURCHASE: Printed Course Binder for Dallas (available through October 12). . . . . \$27.06

*Price of binder includes 8.25% sales tax*

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### 4. Thursday Afternoon Concurrent Sessions—Select One

Commercial Lending

Residential Lending

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

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<sup>†</sup>Texas customers—add 8.25% sales tax or include an Exemption Certificate . . . . . \$ \_\_\_\_\_

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**AUSTIN**

September 29–30, 2016

**CONFERENCE LOCATION**



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

**Special Room Rate: \$185**  
 good through September 14  
 (subject to availability)

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

**KEY DATES**

**September 21, 2016**

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

**September 23, 2016**

*last day for cancellation (full refund)*

**September 26, 2016**

*last day for cancellation (partial refund)*  
 \$50 processing fee applied

**September 29, 2016, 8:50 a.m.**

*Conference begins*

**DALLAS**

October 20–21, 2016

**CONFERENCE LOCATION**



**Cityplace Conference Center**  
 2711 North Haskell Avenue  
 Dallas, Texas  
 214.515.5100

**Self-Parking:**  
 \$4 daily self-parking.  
 (subject to change)

**NEARBY ACCOMMODATIONS**

Warwick Melrose Hotel Dallas  
 3015 Oak Lawn Avenue  
 Dallas, Texas  
 214.521.5151

**KEY DATES**

**October 12, 2016**

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

**October 14, 2016**

*last day for cancellation (full refund)*

**October 17, 2016**

*last day for cancellation (partial refund)*  
 \$50 processing fee applied

**October 20, 2016, 8:30 a.m.**

*Conference begins*

**REASONS TO ATTEND**

**The Mortgage Lending Institute**—the definitive real estate finance course of the year—presents current developments, offers practical information on real estate lending, financing and title issues, and provides a must-have set of materials and resources.

- David Weatherbie's annual *Case Law Update*; plus significant federal regulatory developments, including new rules and regulations for CMBS loans and HVCRE loans
- A *Title Insurance Update: Implications and Interpretations of Key Cases*
- Commercial Lending Track addressing issues and hot topics including the impact of the ESIGN Act, using auctions to sell and market real estate, and the assumption of CMBS loans
- Residential Lending Track addressing issues and hot topics including TRID and residential disclosures, the current CFPB loss mitigation rules, residential bankruptcy issues and forms, and eviction issues
- A look at trends in bankruptcies and restructurings in the real estate sector
- Essential technology tips for keeping and enhancing your practice—including *Thirty Tech Tips for Your CREF Practice and Managing Cyber Liability*
- Luncheon Presentation on *The Future of the Legal Profession* with Hon. Lora J. Livingston

Plus a special 50<sup>th</sup> Anniversary Recognition and Retrospective, 2.25 hours of ethics and more!