

**51<sup>st</sup> Annual William W. Gibson, Jr. Mortgage Lending Institute  
September 28-29, 2017 • AT&T Conference Center • Austin, TX  
September 28-29, 2017 • Live Webcast**

**Thursday Morning, Sep. 28, 2017**

**Presiding Officer:**

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

8:00 am In Austin Only	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:50 am	<p><b>Welcoming Remarks</b></p>
9:00 am 0.75 hr	<p><b>Developments from the Texas Legislature</b></p> <p>Hear a report on the laws passed by the 85th Texas Legislature affecting mortgage lending and the practice of real estate law.</p> <p>John H. "Jack" Miller III, Irelan McDaniel, PLLC - Houston, TX</p>
9:45 am 0.50 hr	<p><b>A Checklist for Commercial Loans</b></p> <p>Examine lender requirements for closing a commercial real estate loan transaction, highlighting issues and pitfalls that can surface and derail almost any closing.</p> <p>Mary S. Axelrad, Gray Reed &amp; McGraw LLP - Houston, TX</p>
10:15 am	<p><b>Break</b></p>
10:30 am 0.50 hr	<p><b>Land Use Law in the Loan Process: Issue Spotting and Resolution</b></p> <p>Explore land use due diligence for a loan and alternatives to keep the loan proceeding to closing, with insight into both public land use (zoning, platting, permitting, and development agreements) and private land use (deed restrictions, easements, and reciprocal agreements).</p> <p>Reid C. Wilson, Wilson, Cribbs &amp; Goren, P.C. - Houston, TX</p>
11:00 am 0.50 hr	<p><b>Foreclosure Refresher: The Updated Basics</b></p> <p>Get a step-by-step refresher on the foreclosure process, with a focus on practical concerns, and an update regarding recent statutory changes and case law impacting the process.</p> <p>Brian Thompson Morris, Winstead PC - Dallas, TX</p>
11:30 am 0.50 hr	<p><b>Texas Estates Code Redefines Secured Creditor's Rights and Remedies</b></p> <p>Upon a borrower's death, not only are the secured creditor's rights redefined by the Texas Estates Code, the enforcement of its rights is stayed until a probate estate is opened for the deceased borrower. Travel with the secure creditor as it elects when and how it will be paid.</p> <p>Sara E. Dysart, Attorney at Law - San Antonio, TX</p>

12:00 pm  
In Austin Only

**Pick Up Lunch**

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**Thursday Afternoon, Sep. 28, 2017**

**Presiding Officer:**

**Mary S. Mendoza**, Haynes and Boone, LLP - Austin, TX

**LUNCHEON PRESENTATION**

12:20 pm  
0.75 hr

**U.S. Housing Market Trends: An Insider's Perspective**

The 2008 housing collapse shook the U.S. economy to its foundation. Hear from an industry leader on how it all happened and what conditions exist today that may cause another meltdown in the market.

Ed Delgado, Five Star Institute - Dallas, TX

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1:05 pm

**Break**

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**Concurrent Sessions**

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**Commercial Lending**

**Presiding Officer:**

**Mary S. Mendoza**, Haynes and Boone, LLP - Austin, TX

**SPECIAL NOTICE: Live Webcast Includes *Commercial Lending* Only**

The live webcast includes the **Commercial Lending track** but not the **Residential Lending track**. Materials for both tracks are available in the course materials. Approximately 6-8 weeks after the conference, the Commercial Lending video and Residential Lending audio will both be available in "Your Briefcase."

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1:20 pm  
0.50 hr

**Mortgage Loan Modifications**

Think you know everything about mortgage loan modifications? Think again. Review thorny issues relating to mortgage loan modifications, including who has consent and how to record, and learn something new in the process.

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

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1:50 pm  
0.50 hr

**Unusual Collateral in Real Estate Finance: Cars and Boats and Planes, Oh My!**

Survey some of the unusual kinds of collateral requested or needed by real estate lenders.

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

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2:20 pm  
0.50 hr  
0.25 hr ethics

**Make Life Better: Leveraging Tech**

Get practical tips on using technology designed to help improve your practice and your day.

Keith H. Mullen, Shackelford, Bowen, McKinley & Norton, LLP - Dallas, TX

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2:50 pm  
0.50 hr

### **Beware the Boilerplate**

A loan is only as good as its documents. When the time comes to enforce a loan or guaranty, the devil is in the drafting—and that includes those standard provisions at the back of the document. Drafters tempted to copy these terms from deal to deal as mere “boilerplate” do so at their peril, because these standard provisions can have case-dispositive effect. Drawing on real case studies, learn why contract terms involving waiver, merger and integration, choice of law and venue, and others deserve a second look.

Linda Stahl, Carter Scholer PLLC - Dallas, TX

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## **Residential Lending**

### **Presiding Officer:**

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

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1:20 pm  
In Austin Only  
0.50 hr  
0.25 hr ethics

### **Excess Proceeds: Deceptively Simple or Just Plain Simple?**

Who is entitled to excess proceeds after a foreclosure sale - inferior lienholders, borrowers, or nefarious others? Explore the intricacies associated with a seemingly straightforward process and how it can become a convoluted quandary.

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

1:50 pm  
In Austin Only  
0.50 hr

### **TRID Update for Residential Transactions**

Review the general provisions of the TILA/RESPA Integrated Disclosure rule (TRID) and hear an update on current issues and areas of discussion.

Janet S. Minke, Alliant National Title Insurance Co. - Fort Worth, TX

2:20 pm  
In Austin Only  
0.50 hr

### **Lender "No Nos"**

Gain insight into consumer claims for homestead protection.

Molly Ann Rogers, Texas Rio Grande Legal Aid - Austin, TX

2:50 pm  
In Austin Only  
0.50 hr

### **Changes to Home Equity Lending 2017**

Survey the top ten issues Texas home equity lenders face, including discussion of SJR 60 and why the vote on November 7, 2017 matters.

Thomas F. Veters II, Robertson Anschutz Veters - Austin, TX

3:20 pm

### **Break**

3:30 pm 0.50 hr	<p><b>Electronic Notarization</b></p> <p>Has Texas set the national standard for online notarization? How online notarization will change the real estate practice.</p> <p>John Fleming, Law Office of John Fleming - Austin, TX</p>
4:00 pm 1.00 hr ethics	<p><b>Ethics in Real Estate Practice</b></p> <p>Identify potential ethical pitfalls for lawyers and other dilemmas in a real estate practice.</p> <p>Sam Johnson, Scott Douglass &amp; McConnico LLP - Austin, TX</p>
5:00 pm	<p><b>Adjourn</b></p>

## Friday Morning, Sep. 29, 2017

### Presiding Officer:

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

8:00 am In Austin Only	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
9:00 am 0.75 hr	<p><b>Texas Case Law Update</b></p> <p>Explore recent and significant Texas cases over the last year with particular attention to cases involving new legal concepts or which materially alter or extend current jurisprudence.</p> <p>J. Richard White, Winstead PC - Dallas, TX Amanda Grainger, Winstead PC - Dallas, TX</p>
9:45 am 0.50 hr	<p><b>Bankruptcy Law Update</b></p> <p>Get an update on bankruptcy issues that impact the real estate practice, including discussion of <i>Husky v. Ritz</i>, <i>Jevic</i>, and "golden shares."</p> <p>Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas - Austin, TX</p>
10:15 am 0.50 hr	<p><b>How to Foreclose Personal Property</b></p> <p>Gain practical guidance on how to foreclose on personal property under Article 9 of the UCC and the Texas Business and Commerce Code. Discuss the issues that may arise, including how to give proper notice, conduct a private or public sale, and repossess and dispose of collateral.</p> <p>Frances Anne Luttrell Smith, Shackelford, Melton &amp; McKinley - Dallas, TX</p>
10:45 am	<p><b>Break</b></p>
11:00 am 0.50 hr	<p><b>Construction Loans and Contractor Documents</b></p> <p>Hear a contractor's perspective on lender's consent and assignment forms.</p> <p>Joe R. Basham, Allensworth and Porter, L.L.P. - Austin, TX</p>

<p>11:30 am 0.50 hr</p>	<p><b>ABCs of Development Infrastructure Finance</b></p> <p>"I'd like to create a [PID, MUD, TIRZ, TIF, MMD, Type A, Type B, ]." Each is an economic development tool that can be used to finance or reimburse a developer for, among other things, the costs of certain infrastructure projects. Learn how to find the right tool for the right project.</p> <p>Corey Admire, Shupe Ventura PLLC - Dallas, TX</p>
<p>12:00 pm 0.50 hr</p>	<p><b>Title Policy Key Provisions, The Duty to Defend, and Claims</b></p> <p>Focus on key provisions of the title insurance policy including determination and timing of loss, duty of defense, and exclusions from coverage. Discuss recent cases and how Texas courts have construed these provisions.</p> <p>Dawn Lewallen, Stewart Title Guaranty Company - Houston, TX</p>
<p>12:30 pm In Austin Only</p>	<p><b>Pick Up Lunch</b></p>

## Friday Afternoon, Sep. 29, 2017

### Presiding Officer:

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

### LUNCHEON PRESENTATION

<p>12:50 pm 0.75 hr</p>	<p><b>Challenges and Opportunities in Emerging Market Real Estate</b></p> <p>Nearly 70 percent of all real estate development is occurring outside of the U.S. What drives this growth and why should it matter to all of us in the U.S.? See a glimpse of the issues facing outbound investors, and what inbound capital is seeking.</p> <p>Tony Ciochetti, UTSA College of Business - San Antonio, TX</p>
<p>1:35 pm</p>	<p><b>Break</b></p>
<p>1:50 pm 0.50 hr</p>	<p><b>Title Insurance in Wind and Solar Projects</b></p> <p>Hear an overview of title insurance in wind and solar projects with a focus on assembling title, deal structure, and special title risk evaluations.</p> <p>Joel Atkins, Chicago Title Insurance Company - Dallas, TX</p>
<p>2:20 pm 0.50 hr</p>	<p><b>Retail Resuscitation: Environmental Challenges for Reanimation</b></p> <p>Whether you think retail is dying or not, there are plenty of examples of shuttered malls and other retail outlets. Listen to a quick overview of successful redevelopments and come away with an outline of environmental issues and solutions that might be involved in your next project.</p> <p>Steve Morton, K&amp;L Gates LLP - Austin, TX</p>

2:50 pm  
0.50 hr

**Deconstruction and Reconstruction: New Life For A Dead Mall**

Developing and operating a large retail shopping mall, with several separately-owned anchor stores, requires carefully drafted and coordinated covenants, restrictions, access easements, joint parking agreements, operating agreements, ground leases, and other real estate interests. But what happens when this use of the property becomes obsolete and there are new redevelopment opportunities? Using a case study, examine what has to be done to deconstruct the complex set of property rights and interests and create new redevelopment opportunities.

Jay Hailey, DLA Piper LLP (US) - Austin, TX

3:20 pm

**Break**

3:30 pm  
0.50 hr

**Current Hot Topics and Quick Tips**

Hear about recent developments and hot topics in mortgage lending and related real estate matters.

Travis J. Siebeneicher, DuBois, Bryant & Campbell, L.L.P. - Austin, TX  
Richard L. Spencer, Zeidman Spencer Beverly & Holt, LLP - Houston, TX

4:00 pm  
0.50 hr ethics

**Technology and Ethics**

Hear an overview of lawyers' ethical obligations—and tips on avoiding potential ethical pitfalls—with respect to the technology we all use.

Laura L. McClellan, FisherBroyles, LLP - Dallas, TX

4:30 pm

**Adjourn**