

53RD ANNUAL WILLIAM W. GIBSON, JR.
**MORTGAGE LENDING AND
SERVICING INSTITUTE**



September 12–13, 2019
DoubleTree by Hilton Hotel Austin ■ Austin, Texas

Live Webcast September 12–13

Earn up to 13.25 Hours of MCLE Credit, Including 1.50 Hours of Ethics Credit

MCLE Credit Approved in TX, CA, and OK (Hours Vary By Jurisdiction)

Legal Specialization Credit Approved for Bankruptcy Law, Consumer Law, and Real Estate Law

Professional Accreditation Approved for TX Accounting CPE, TX Appraiser (ACE),
and TX Real Estate Commission (TREC)

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Professional Accreditation Approved for TX Accounting CPE, TX Appraiser (ACE), and TX Real Estate Commission (TREC)

THURSDAY MORNING, SEPT. 12, 2019

Presiding Officer:

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

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .50 hr

Case Law Update – Part I

Discuss recent and significant Texas cases for the last year, with particular attention paid to cases involving new legal concepts or which materially alter or extend current jurisprudence.

Amanda R. Grainger, Winstead PC, Dallas, TX
 J. Richard White, Winstead PC, Dallas, TX

9:00 a.m. .75 hr

Legislative Update

What the sausage-makers did this time: a report on the laws passed by the 86th Texas Legislature affecting mortgage lending and the practice of real estate law.

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

9:45 a.m. .50 hr

Challenges in Building and Construction

An overview of construction issues impacting lending, including the rising popularity in modular building construction.

Dale E. Butler, Butler Law Firm, PC, Flower Mound, TX

10:15 a.m. Break

EARN YOUR FULL MCLE REQUIREMENT

UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, attendees will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.

10:30 a.m. 1.00 hr

Lien Priority and Subordination

Review lien priority and subordination in Texas, with a focus on early commencement and M&M liens.

Edward A. Bontkowski, Haynes and Boone, LLP,
 Houston, TX
 Caitlin Evans, Haynes and Boone, LLP, Houston, TX

11:30 a.m. .50 hr

Water, Water Everywhere: The Impact of Water Planning on Lending and Development

Discuss what land developers and their counsel need to know about water availability and regulatory issues in development and planning for land development projects.

Edmond R. McCarthy, Jr., McCarthy & McCarthy LLP,
 Austin, TX

12:00 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

Niles W. Holmes, Niles Holmes, P.C.,
Dallas, TX

LUNCHEON PRESENTATION

12:20 p.m. .50 hr

Wire Fraud

Real estate wire fraud is a sophisticated scam targeting individuals making wire transfer payments during the home buying process. Unknowingly, victims send wire transfers to the account of criminals who pretend to be real estate professionals involved in the transaction. FBI data shows 11,300 victims lost a combined \$149 million in 2018. Learn how to protect your clients from this financial fraud and make sure you follow best practices.

Justin Ailes, American Land Title Association,
 Washington, DC

12:50 p.m. Break

1:05 p.m. .50 hr

Texas Annotated SNDA

An overview of the key issues that lenders, landlords, and tenants should consider in negotiating SNDAs.

Jerry Lott Jr., Winstead PC, Austin, TX

1:35 p.m. .50 hr

Workouts: Winter is Coming (Lessons from 2008)

A refresher on collection remedies and workout tools and strategies.

Brian Thompson Morris, Winstead PC, Dallas, TX

2:05 p.m. .50 hr

The Grievance Process: Everything You Ever Wanted To Know But Were Afraid To Ask

Tips and best practices from an attorney regularly representing lawyers in the grievance process. Don't panic, come learn what to do.

Nicole T. LeBoeuf, LeBoeuf Law PLLC, Dallas, TX

2:35 p.m. Break

CAN'T MAKE THE INSTITUTE? PRE-ORDER THE ACCREDITED ECONFERENCE TODAY

eConference

The on-demand eConference includes papers, slides, and video – and CLE Credit (TX and CA) – from this year's program. Available in "Your Briefcase" (your account) at www.utcle.org 4-6 weeks after the live event.

Course Binders

Post-conference binders contain the final papers and slides from the live event. Available as an eBinder download or in printed form for delivery 4-6 weeks after the event (shipping included).

**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 13.25 hours, of which 1.50 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 (#179).

CONCURRENT SESSIONS

SPECIAL NOTICE: The live webcast includes the Advanced Commercial Lending track but not the Residential Lending track. Materials for both tracks are available in the course materials. Approximately 4-6 weeks after the conference, the Advanced Commercial Lending video and Residential Lending audio will both be available in "Your Briefcase."

TRACK A: ADVANCED COMMERCIAL

Presiding Officer:

**Niles W. Holmes, Niles Holmes, P.C.,
Dallas, TX**

2:50 p.m. .50 hr

The Rising Tide of Retail Tenant Bankruptcies: What Lenders Need to Know to Protect Their Collateral

As retail tenant bankruptcies become commonplace, the bankruptcies themselves continue to challenge commercial landlords and their lenders with nuanced approaches. Knowing the trends amidst the retail tenant bankruptcy apocalypse will help lenders more efficiently preserve and protect collateral.

Katharine Battaia Clark, Hedrick Kring, PLLC,
Dallas, TX

3:20 p.m. .50 hr

Unusual Collateral in Real Estate Finance: Beyond Cars and Boats and Planes

A look at collateral which may give added value to real estate loans including technology matters, development agreement payments from municipalities, and other tangibles and intangibles.

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

3:50 p.m. .50 hr

Completion Guarantees

Explore surprising problems potentially arising with superficially conventional completion guaranties sometimes required in connection with construction financing.

J. Cary Barton, Barton Benson Jones PLLC,
San Antonio, TX

4:20 p.m. .50 hr

Nonconsolidation Opinions

Gain insight on substantive consolidation, what are the standards governing substantive consolidation throughout the United States, and what issues should be addressed in drafting non-consolidation opinions.

Bruce J. Zabaruskas, Thompson & Knight LLP,
Dallas, TX

4:50 p.m. Adjourn

TRACK B: RESIDENTIAL

Presiding Officer:

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

2:50 p.m. .50 hr

eClosings: It May Be a Paper Moon, but Your Real Estate Practice Isn't

A look at the legal infrastructure supporting eClosings; including electronic notes, remote online notary, the new Texas statute SB 2128 relating to "papering out" of electronic documents for recording, and discussion of how the title industry is implementing eClosing initiatives.

Rebecca Rice DeBakey, Stewart Title Guaranty
Company, Houston, TX
John Fleming, Law Office of John Fleming,
Austin, TX

3:20 p.m. .50 hr

Residential Mortgage Litigation Update

Review recent Texas cases and trends, with particular attention to claims involving Texas home equity loans and statutes of limitation.

B. David L. Foster, Locke Lord LLP, Austin, TX

3:50 p.m. .50 hr

Real Estate Industry Updates: A Review of Recent Updates to the TDI Basic Manual, TREC Forms and TR Forms

Explore recent changes to the Texas Title Insurance Basic Manual, including a rate decrease and the amendment of several of the most commonly used rate rules. Also review new forms promulgated by both TREC and TR (formerly TAR) in 2018, as well as changes to existing forms made by both entities. Gain a deeper understanding of the paperwork provided to lenders by both the Realtor and the Title Insurance company involved in a real estate transaction.

Lisa M. Beville, Fidelity National Title Group, Dallas, TX

4:20 p.m. .50 hr

Current Developments and Issues in Title Insurance

Survey recent developments in title insurance law, focusing most significantly on recent title insurance regulations and forms, recent Texas Legislation and cases affecting the industry in Texas, including a look at the state of mineral coverage, mechanics lien coverage, and marijuana related transactions coverage.

Dawn Lewallen, First American Title Company,
Houston, TX

4:50 p.m. Adjourn

FRIDAY MORNING, SEPT. 13, 2019

Presiding Officer:

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

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr

Case Law Update – Part II

Discuss recent and significant Texas cases for the last year, with particular attention paid to cases involving new legal concepts or which materially alter or extend current jurisprudence.

Amanda R. Grainger, Winstead PC, Dallas, TX
J. Richard White, Winstead PC, Dallas, TX

9:00 a.m. .75 hr

Qualified Opportunity Zones and Related Developments

The Opportunity Zone Program was introduced as part of the Tax Cuts and Jobs Act of 2017 and provides unique opportunities to defer and/or eliminate tax on federal capital gains for real estate investments in qualified areas. While meaningful tax benefits under this program are available, there remain areas of uncertainty for structuring these transactions. Those who participate in the Opportunity Zone Program will need to become familiar with its enacting statute and over 200 pages of proposed regulations released in recent months by the U.S. Department of the Treasury.

Raj Bandla, Locke Lord LLP, Austin, TX
Mitchell A. Tiras, Locke Lord LLP, Houston, TX

9:45 a.m. .75 hr

Making Sure Your Deal is Financeable

Get tips for making sure that your deal is financeable, including how to avoid killing the deal in a prior transaction.

Kent Newsome, Greenberg Traurig, LLP, Houston, TX

10:30 a.m. Break

10:45 a.m. .75 hr

How to Lose a Client With 10 Outdated Loan Provisions!

Discuss and provide drafting solutions for the most commonly outdated and missing provisions in Texas commercial real estate loan documents.

Colette M. Breedlove, Niles Holmes, P.C., Dallas, TX
Niles W. Holmes, Niles Holmes, P.C., Dallas, TX

11:30 a.m. .50 hr

FinTech and the Changing Landscape of Mortgage Lending

Jennifer Parker, Fannie Mae, Washington, DC

12:00 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON**Presiding Officer:**

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

LUNCHEON PRESENTATION

12:20 p.m. .50 hr ethics

Attorney Ethics in the Social Media Realm

Worried about whether you'll take heat for that tweet? Examine the ethical pitfalls awaiting unwary attorneys in the age of Facebook, Twitter, and Instagram. Using real world examples from cases and disciplinary proceedings around the country, this presentation will educate lawyers about how to ethically use – and avoid misusing – social media platforms

John G. Browning, Passman & Jones, Dallas, TX

12:50 p.m. Break

1:05 p.m. .75 hr

Property Owners Association Borrowing: Association Solvency and Underwriting Red Flags

Property Owners Associations are as diverse as the residents that live within them. Discuss the myriad of variances in borrowing when considering the type of community (commercial, condominium, single family/townhome), the wide range of provisions in the governing documents affecting borrowing, and how underwriters may analyze an association's solvency to determine whether it's a bad loan.

Clinton F. Brown, Roberts Markel Weinberg Butler Hailey PC, Austin, TX
Brady Ortego, Roberts Markel Weinberg Butler Hailey PC, San Antonio, TX

1:50 p.m. .50 hr

Hot Topics in Mortgage Lending and Servicing

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

Robert F. DuBois III, DuBois, Bryant & Campbell, L.L.P., Austin, TX
Brian C. Rider, The University of Texas School of Law, Austin, TX

2:20 p.m. 1.00 hr ethics

Resilience: How to Survive and Thrive in a High Stress Practice

Why do some lawyers handle the stress of the job and the demands of family much better than others? What skills can we learn to improve our own lives? The answer may be: "Resilience." Based on the skills taught by US Army for soldiers potentially fighting PTSD, identify ten strategies for dealing with stress, mental health, and making better decisions in law – and life.

Claude E. Ducloux, Attorney at Law, Austin, TX

3:20 p.m. Adjourn

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Dallas, TX

*Planning Committee member

HOW TO REGISTER

Online:

www.utcle.org/conferences/ML19

Mail:

The University of Texas
School of Law
ATTN: CLE
PO Box 7759
Austin, TX 78713-7759

Fax:

512.475.6876

Questions? 512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 days prior to the conference.

REGISTRATION BENEFITS

Full Service Experience: Registration for the live event includes continental breakfasts, and Thursday and Friday luncheon presentations, along with countless networking opportunities throughout the event.

Comprehensive Course Materials: Access course materials in Your Briefcase approximately 48 hours before the live event, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

Accredited eConference: Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in Your Briefcase 4–6 weeks after the live event.

TX MCLE Credit Reporting: UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at Your Account after you've logged in at www.utcle.org.

TROUBLE LOGGING IN?

Forgot Your Password? Just select "forgot password" under "Sign In or Join" at www.utcle.org.

First Time Logging In? Your UT Law CLE account is created for you when you register by mail, fax, or phone for the first time using the email address provided.

Still Need Help? Contact customer service at 512.475.6700 or service@utcle.org

REGISTRATION FORM

PLEASE PRINT CLEARLY

ML19

Bar Card# _____ TX Other State: _____ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

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Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations, and receipts are emailed to these addresses.

LIVE EVENT REGISTRATION

Special group registration rates may be available. Call 512.475.6700.

Individual Registration

- Individual registration by Wednesday, September 4 \$645
 Individual registration after Wednesday, September 4 \$695

Thursday Afternoon Concurrent Sessions – Select One

- Advanced Commercial
 Residential

Printed Course Binder – Available Through Wednesday, September 4

Note conference registration includes Electronic Course Binder Download (PDF) in Your Briefcase.

- Printed Course Binder \$54.13 (\$50*)
* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.

LIVE WEBCAST REGISTRATION

Includes Electronic Course Binder Download (PDF) in Your Briefcase. Please contact customer service for information regarding binder availability. The webcast will include the Advanced Commercial Lending track. Audio of the Residential track will be included in in Your Briefcase, approximately 4–6 weeks post conference.

- Individual registration \$595

TOTAL EVENT REGISTRATION \$ _____

FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$150! CALL 512.475.6700 TO REGISTER.

POST-CONFERENCE PRODUCTS

eConference – For Texas and California MCLE Credit

Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4-6 weeks after live event. Hours may vary depending on actual event runtime.

- Individual eConference \$595

Post-Course Binder – For Research and Self-Study

Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.

- Electronic Post-Course Download (PDF) \$243.56 (\$225*)
* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.
 Printed Post-Course Binder \$319.34 (\$295*)
* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.

Annual eLibrary Subscription – For Research and Self-Study

Extensive resources including audio, video, papers, and slides from UT Law CLE programs.

- eLibrary 12 Month Subscription \$319.34 (\$295*)
* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.

TOTAL POST-CONFERENCE PRODUCTS \$ _____

METHOD OF PAYMENT

- Check (make check payable to The University of Texas at Austin)
 VISA MasterCard American Express P.O. (include a copy of the purchase order upon submission)

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(mm/yy)

Authorized Signature _____

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AUSTIN

September 12–13, 2019

CONFERENCE LOCATION



DoubleTree by Hilton Hotel Austin
 6505 N. Interstate 35
 Austin, TX 78752-4346
 800-347-0330 (reservations)

Special Room Rate: \$159
 Good through August 22, 2019
 Reference "Mortgage Lending 2019"
 when calling reservations.
 (subject to availability)

Parking:
 Daily or Overnight Self-parking: \$8
 Valet Parking: \$20
 (subject to change)

KEY DATES

September 4, 2019
Last day to order a printed binder

September 4, 2019
Last day for early registration
 add \$50 for registrations
 received after this time

September 6, 2019
Last day for full refund cancellation

September 9, 2019
Last day for partial refund cancellation
 \$50 processing fee applied

September 12, 2019 at 8:20 a.m. CST
Institute and Webcast begins

REASONS TO ATTEND

UT Law's **William W. Gibson, Jr. Mortgage Lending and Servicing Institute** presents current developments and industry trends, offers practical information on real estate lending, financing and title issues, and provides a must-have set of materials and resources. This year's highlights include:

- Updates from the legislature and the courts, along with focused Tracks on *Advanced Commercial Lending* and *Residential Lending*
- Insight into hot topics like qualified opportunity zones, POA solvency, Fintech, and water planning
- Tips for handling the coming storm in *Workouts: Winter is Coming (Lessons from 2008)*
- Guidance on *Resilience: How to Survive and Thrive in a High Stress Practice*
- Networking opportunities with industry leaders and fellow attendees

Following the conference, attendees will receive supplemental on-demand programming to ensure they are able to satisfy their full 15.00/3.00 ethics Texas MCLE annual requirement. All this makes the Institute the definitive real estate finance course of the year.