

# 53<sup>rd</sup> Annual William W. Gibson, Jr. Mortgage Lending and Servicing Institute

## September 12-13, 2019 • DoubleTree by Hilton Hotel Austin • Austin, TX

### September 12-13, 2019 • Live Webcast

#### Thursday Morning, Sept. 12, 2019

##### Presiding Officer:

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

7:30 am In Austin Only	<b>Registration Opens</b>  Includes continental breakfast.
8:20 am	<b>Welcoming Remarks</b>
8:30 am 0.50 hr	<b>Case Law Update - Part I</b>  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 am 0.75 hr	<b>Legislative Update</b>  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, Ireland McDaniel, PLLC - Houston, TX
9:45 am 0.50 hr	<b>Challenges in Building and Construction</b>  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 am	<b>Break</b>
10:30 am 1.00 hr	<b>Lien Priority and Subordination</b>  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 Materials By: Caitlin Evans, Haynes and Boone, LLP - Houston, TX
11:30 am 0.50 hr	<b>Water, Water Everywhere: The Impact of Water Planning on Lending and Development</b>  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 pm  
In Austin Only

**Pick Up Lunch**

Included in registration.

**Thursday Afternoon, Sept. 12, 2019**

**Presiding Officer:**

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

**LUNCHEON PRESENTATION**

12:20 pm  
0.50 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 pm

**Break**

1:05 pm  
0.50 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 pm  
0.50 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 pm  
0.50 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 pm

**Break**

**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 Track****Presiding Officer:****Niles W. Holmes**, Niles Holmes, P.C. - Dallas, TX

2:50 pm 0.50 hr	<b>The Rising Tide of Retail Tenant Bankruptcies: What Lenders Need to Know to Protect Their Collateral</b>  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 pm 0.50 hr	<b>Unusual Collateral in Real Estate Finance: Beyond Cars and Boats and Planes</b>  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 pm 0.50 hr	<b>Completion Guarantees</b>  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 pm 0.50 hr	<b>Nonconsolidation Opinions</b>  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. Zabarauskas, Thompson & Knight LLP - Dallas, TX

---

**Track B: Residential Track****Presiding Officer:****Tommy Bastian**, Barrett Daffin Frappier Turner & Engel, LLP - Addison, TX

2:50 pm In Austin Only 0.50 hr	<b>eClosings: It May Be a Paper Moon, but Your Real Estate Practice Isn't</b>  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 pm In Austin Only 0.50 hr	<b>Residential Mortgage Litigation Update</b>  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 pm In Austin Only 0.50 hr	<p><b>Real Estate Industry Updates: A Review of Recent Updates to the TDI Basic Manual, TREC Forms and TR Forms</b></p> <p>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.</p> <p>Lisa M. Beville, Fidelity National Title Group - Dallas, TX</p>
4:20 pm In Austin Only 0.50 hr	<p><b>Current Developments and Issues in Title Insurance</b></p> <p>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.</p> <p>Dawn Lewallen, First American Title Company - Houston, TX</p>
4:50 pm	<b>Adjourn</b>

## Friday Morning, Sept. 13, 2019

### Presiding Officer:

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

7:30 am In Austin Only	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
8:30 am 0.50 hr	<p><b>Case Law Update - Part II</b></p> <p>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.</p> <p>Amanda R. Grainger, Winstead PC - Dallas, TX J. Richard White, Winstead PC - Dallas, TX</p>
9:00 am 0.75 hr	<p><b>Qualified Opportunity Zones and Related Developments</b></p> <p>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.</p> <p>Raj Bandla, Locke Lord LLP - Austin, TX Mitchell A. Tiras, Locke Lord LLP - Houston, TX</p>

9:45 am 0.75 hr	<b>Making Sure Your Deal is Financeable</b>  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 am	<b>Break</b>
10:45 am 0.75 hr	<b>How to Lose a Client With 10 Outdated Loan Provisions!</b>  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 am 0.50 hr	<b>FinTech and the Changing Landscape of Mortgage Lending</b>  Fintech lenders have entered the market with a focus on driving efficiencies, technology-first processes, and streamlined operational workflows – all aimed at guiding consumers through a one-stop-shop transaction. Fannie Mae will discuss the ever-changing mortgage landscape and it’s disruption by Fintech lenders.  Moderator: Christopher W. Christensen, PeirsonPatterson, LLP - Dallas, TX Jennifer Parker, Fannie Mae - Washington, DC
12:00 pm In Austin Only	<b>Pick Up Lunch</b>  Included in registration.

## Friday Afternoon, Sept. 13, 2019

### Presiding Officer:

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

### LUNCHEON PRESENTATION

12:20 pm 0.50 hr ethics	<b>Attorney Ethics in the Social Media Realm</b>  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 pm	<b>Break</b>

1:05 pm 0.75 hr	<p><b>Property Owners Association Borrowing: Association Solvency and Underwriting Red Flags</b></p> <p>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.</p> <p>Clinton F. Brown, Roberts Markel Weinberg Butler Hailey PC - Austin, TX</p>
1:50 pm 0.50 hr	<p><b>Hot Topics in Mortgage Lending and Servicing</b></p> <p>Hear recent developments and hot topics in mortgage lending and servicing and related real estate matters.</p> <p>Robert F. DuBois III, DuBois, Bryant &amp; Campbell, L.L.P. - Austin, TX Brian C. Rider, The University of Texas School of Law - Austin, TX</p>
2:20 pm 1.00 hr ethics	<p><b>Resilience: How to Survive and Thrive in a High Stress Practice</b></p> <p>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.</p> <p>Claude E. Ducloux, Attorney at Law - Austin, TX</p>
3:20 pm	<p><b>Adjourn</b></p>