

54TH ANNUAL WILLIAM W. GIBSON, JR.
**MORTGAGE LENDING AND
SERVICING INSTITUTE**



September 17–18, 2020

 Live Webcast

Earn up to 13.50 Hours of MCLE Credit Including 2.50 Hours of Ethics Credit

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

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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Times listed are Central Standard

THURSDAY MORNING, SEPT. 17, 2020

Presiding Officer:

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

8:20 a.m. Welcoming Remarks

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

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

9:15 a.m. 5-Minute Break

9:20 a.m. .50 hr

Title Insurance Update

Gain insight on what we learned from the recent pandemic and the New 2021 ALTA Commitment and Policies.

Paul D. Pruitt, Title Resources Guaranty Company, Austin, TX

9:50 a.m. 5-Minute Break

9:55 a.m. .50 hr

Survey & Title Review: Guidelines, Objections, Solutions, and Closing Instructions

Explore checklists for surveys, title commitments, and exception documents. Gain insight on sample objections, solutions and potential endorsements, and closing requirements.

Roland Love, Independence Title Company, Dallas, TX

10:25 a.m. 5-Minute Break

PRE-ORDER THE ECONFERENCE TODAY

While nothing can replace the experience of the live webcast, you can still catch up on all the latest developments with the eConference. The online eConference includes papers, slides, and video – and CLE credit – from this year's live webcast. Available in "Your Briefcase" through the user's account at www.utcle.org 2–3 weeks after the live event.

10:30 a.m. .75 hr

TREC One to Four Family Contract

A brief overview of TREC One to Four Family Contract with particular focus on provisions of the Contract that warrant extra attention from the lender. Additionally, gain insight into frequently asked contract questions and the changes currently being proposed by the TREC Broker/Lawyer Committee.

Blair Moore Raggio, Allegiance Title Company, Dallas, TX

11:15 a.m. 5-Minute Break

11:20 a.m. .75 hr | .25 hr ethics

The Annotated Assignment of Rents Revisited

Revisit the Texas Assignment of Rents Act since its passage nine years ago through the examination of a lender-oriented "Assignment of Rents", with statutory, case law and drafting annotations. Part of the Annotated Series published by Winstead, which includes the Annotated Deed of Trust, Annotated Promissory Note and Annotated Guaranty.

Lorin Williams Combs, Winstead PC, Austin, TX
Jerry L. Lott Jr., Winstead PC, Austin, TX

12:05 p.m. Break for Lunch

Presentations resume at 12:25 p.m.

THURSDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:25 p.m. 1.00 hr

What Does the Future Hold for the Commercial Real Estate Market?

Look at demographic trends and the current economic, capital markets, and real estate market conditions and forecasts what the near- and long-term future might look like for commercial real estate.

Will McIntosh, USAA Real Estate, San Antonio, TX

1:25 p.m. Break

Presentations resume at 1:35 p.m.

ADVANCED COMMERCIAL LENDING

SPECIAL NOTICE: Live Webcast Includes Advanced Commercial Lending Only

We will broadcast the Advanced Commercial Lending sessions live during the webcast. The Residential Lending sessions will be prerecorded and the accredited video and materials will be made available in "Your Briefcase" on the first day of the conference. Please see the full Residential Lending sessions schedule on page 4 of the brochure.

Presiding Officer:

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

1:35 p.m. .75 hr | .25 hr ethics

Potential Remedies in Mortgage Lending Transactions

The borrower defaulted. Gain insight on preparing your answer to "can I" and "how do I" in response with an overview of available remedies under Texas law.

Jared Slade, Alston & Bird LLP, Dallas, TX

2:20 p.m. 5-Minute Break

2:25 p.m. .75 hr

Apocalypse Now: Tips for Managing the Onslaught of Tenant Distress and Bankruptcy in the Age of COVID

An overview of bankruptcy and receivership considerations for landlords and their lenders, practical pointers developed in the trenches of cases like GNC, 24 Hour Fitness, and more, and considerations for what's to come.

Katharine Battaia Clark, Thompson Coburn LLP, Dallas, TX
Holly E. Magliolo, Winstead PC, Dallas, TX
Richard S. Schmidt, The Claro Group, Corpus Christi, TX

3:10 p.m. 5-Minute Break

MCLE

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 2.50 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).

3:15 p.m. .50 hr | .25 hr ethics

Environmental Due Diligence – Keeping Up With What Is New

Environmental due diligence is a critical part of the diligence process for a variety of transactions. Yet for many, environmental due diligence has become a checklist item, rather than a tailored assessment of the risks presented by a particular property or business. Discuss the statutory and regulatory drivers for environmental due diligence, common Phase I and Phase II practice, and emerging areas of environmental law (including PFAS) that should be considered in shaping environmental due diligence plans.

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

3:45 p.m. 5-Minute Break

3:50 p.m. .50 hr

Cash Management: Lockboxes, Waterfalls, Sweeps and More!

Discuss the current state of cash management in the lending context. Clarify confusing nomenclature and describe typical cash management processes and the logistics that often make this part of transactions so frustrating and time consuming.

Benjamin F.S. Herd, Thompson & Knight LLP, Dallas, TX

4:20 p.m. 5-Minute Break

4:25 p.m. .50 hr

Sample Ancillary Construction Loan Documents

Overview of key issues and discussion of various documents including: collateral assignment of a construction contract, collateral assignment of a property management agreement, and certified borrowing resolution.

Luke E. Kraus, Barton Benson Jones PLLC, San Antonio, TX

4:55 p.m. Adjourn

FRIDAY MORNING, SEPT. 18, 2020

Presiding Officer:

Amanda R. Grainger, Winstead PC, Dallas, TX

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

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

9:15 a.m. 5-Minute Break

9:20 a.m. .50 hr | .25 hr ethics

SB 2128 Electronic Execution and Recording Documents

Overview of the law related to eRecording and eSignatures with a comprehensive look at the challenges and misunderstandings related to eClosing (RON, RIN, etc) including drafting guidance for preparing digital documents to ensure a smooth real estate closing.

Celia Flowers, Flowers Davis, P.L.L.C., East Texas Title Companies, Tyler, TX
Dawn M. Lewallen, First American Title Insurance Company, Houston, TX

9:50 a.m. 5-Minute Break

9:55 a.m. .50 hr

Escrow and Title Theft

Wire fraud and title thefts are the two fastest growing frauds in the mortgage and real property space. Examine recent cases and legal developments.

Rachel M. Dollar, Smith Dollar PC, Santa Rosa, CA

10:25 a.m. 5-Minute Break

10:30 a.m. .50 hr

Modification and Workout Documentation... This Time It's Contagious!

The issues and drafting concerns for workout documentation relating to the pandemic economic workout cycle.

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

11:00 a.m. 5-Minute Break

11:05 a.m. .50 hr

LIBOR

The long life and untimely demise of the world's most important number.

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

11:35 a.m. 5-Minute Break

11:40 a.m. .50 hr

Environmental Lending and Foreclosure Risks in 2020

Identify the often hidden environmental risks in loan collateral and foreclosures, including the new 2020 WOTUS rule, assessed but unrecorded penalties for environmental violations, and projects that allow for participation by third party stakeholders.

John Mark McPherson, McPherson LawFirm, PC, Dallas, TX

12:10 p.m. Break for Lunch

Presentations resume at 12:30 p.m.

FRIDAY AFTERNOON

Presiding Officer:

Jared Slade, Alston & Bird LLP, Dallas, TX

LUNCHEON PRESENTATION

12:30 p.m. .50 hr ethics

Self-Care to Make More and Feel Better

Self-care is a misunderstood concept. Using it can help you make more money and feel better doing it!

Matthew M. Sanderson, Cuccia Wilson, PLLC, Dallas, TX

1:00 p.m. 5-Minute Break

1:05 p.m. .50 hr | .25 hr ethics

Don't Sign Here

Discuss various documents commonly presented in real estate closings that should not be signed as presented. Sometimes "standard," "ancillary" documents can change the deal in undesirable ways.

Kent Newsome, Greenberg Traurig, LLP, Houston, TX

1:35 p.m. 5-Minute Break

1:40 p.m. .50 hr

New Developments and Hot Tips in Commercial Real Estate Mortgage Practice

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

2:10 p.m. 5-Minute Break

2:15 p.m. .75 hr

Loss (Mitigation) During a Catastrophe

From calamity caused by COVID-19 to natural disasters that result in total devastation, mortgage servicers and investors are tasked with the impossible: how to deal with mortgagors during unprecedented times?

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

3:00 p.m. 5-Minute Break

3:05 p.m. .75 hr | .25 hr ethics

Technology: Big Picture, My Picture, Next Picture

COVID-19 cemented the reliance upon technology by the industry, our clients and our practice. Hear a practical overview of near-term developments and uses of technology, and also a broader view - to prepare us for the longer haul.

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

3:50 p.m. Adjourn

PRERECORDED RESIDENTIAL LENDING**SPECIAL NOTICE: Live Webcast Includes Advanced Commercial Lending Only**

The Residential Lending sessions will be prerecorded and the accredited video and materials will be made available in "Your Briefcase" on the first day of the conference. The sessions provide an additional 3.25 hrs (including 0.25 hr ethics) of accredited MCLE credit.

Presiding Officer:
Christopher W. Christensen,
PeirsonPatterson, LLP, Dallas, TX

Prerecorded .75 hr | .25 hr ethics

Bringing More "E" Into Your Office

How to leverage Remote Online Notarization (RON) and eRecording into your closing process.

Ben Sherman, SYNREGO, Brea, CA

Prerecorded .75 hr

Bringing Real Estate into the Digital Age

The shift is underway to bring buying, selling, and financing a home into the always-on, tech-enabled world. Hear the ins and outs of making this vision a reality and how it will transform the future of real estate.

Jackie Mohr, Zillow Group, Scottsdale, AZ

Prerecorded .50 hr

COVID-19 Mortgage Compliance Issues

A legal and regulatory update for mortgage companies and mortgage divisions of banks in a constantly changing environment.

Troy Garris, Garris Horn LLP, Dallas, TX

Prerecorded .75 hr

Marital Property

Discuss how divorce can affect the real estate transaction including the basics of homestead rights and community property.

Shari Rios, National Title Group, Rockwall, TX

Prerecorded .50 hr

Current Trends in Single & Multifamily Servicing Litigation

Examining the pre-COVID and current litigation trends impacting single family and multifamily residential servicers. The flood of COVID cases hasn't hit yet, but raindrops are falling.

Bradley J. Purcell, Reed Smith LLP, Dallas, TX

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*Planning Committee member

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School of Law
ATTN: CLE
PO Box 7759
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Questions? 512.475.6700

REGISTRATION BENEFITS

Comprehensive Course Materials: Access course materials in "Your Briefcase" approximately 48 hours before the live webcast, 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 webcast.

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?

A UT Law CLE account is created for conference attendees and product customers with information provided on the order form. An email address will serve as the User Name.

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ML20

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Registrant's Email (required) _____

Assistant's Email (optional) _____

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

LIVE WEBCAST REGISTRATION

Includes Electronic Course Binder Download (PDF) in "Your Briefcase". Special group registration rates available. Call 512.475.6700.

Individual Registration \$595

Printed and Shipped Course Binder – Available for order through Friday, September 18, 2020

Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted.

Printed and Shipped Course Binder \$59.54 (\$55*)

TOTAL EVENT REGISTRATION \$ _____

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

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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) \$265.21 (\$245*)

Printed Post-Course Binder \$319.34 (\$295*)

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*)

TOTAL POST-CONFERENCE PRODUCTS \$ _____

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@UTLawCLE**LIVE WEBCAST****September 17–18, 2020****KEY DATES****September 11, 2020***Last day for full refund cancellation***September 14, 2020***Last day for partial refund cancellation*

\$50 processing fee applied

September 17, 2020, 8:20 a.m., CST*Webcast begins***September 18, 2020***Last day to order printed and shipped binder
at conference pricing***REASONS TO ATTEND**

UT Law's **54th Annual 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 sessions on *Advanced Commercial Lending* and *Residential Lending*.
- Insight into hot topics like environmental risk, escrow theft, and survey and title review.
- *New Developments and Hot Tips in Commercial Real Estate Mortgage Practice*.
- Guidance on *Loss (Mitigation) During a Catastrophe*—how to deal with mortgagors during unprecedented times.
- Hear about issues and drafting concerns for workout documentation relating to the pandemic economic workout cycle.



UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements.

Following the event, live webcast customers will receive an additional free, on-demand eCourse that will bring their total available hours to 15.00, including 3.00 hours of ethics.

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We are here to support our community while we navigate the coronavirus pandemic together. Information and updates regarding our in-person conferences and live webcasts will be posted at www.utcle.org.

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

