

## Guide to Real Estate Workouts with Key Forms

**Presentation for:**

Mortgage Lending  
Institute

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**Speakers:**

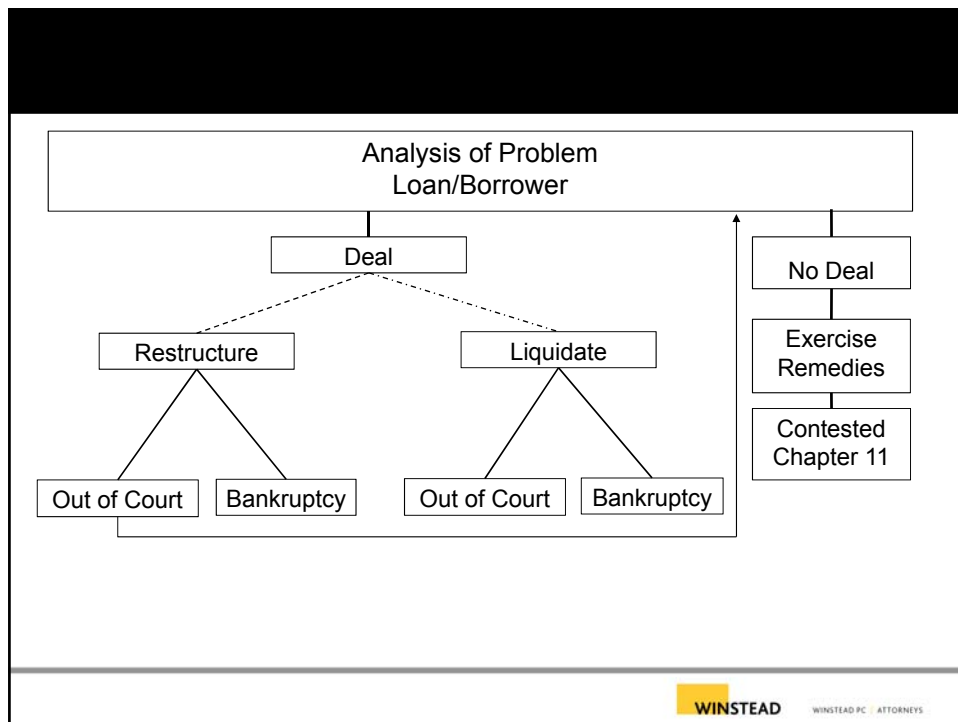
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## Workouts in the 2010's What is different this time around?

- Transaction Perspective
  - Players – increased role of equity
  - Structure/Documents
- Litigation Perspective
  - Preferences among available tools
  - Landscape – Court opinions from last two recessions
  - Statutory Changes to Usury Statutes, DTPA, and Property Code (including anti-deficiency statute)
  - SARE





## The Process

- Borrower strategy
- Beware of lender liability issues
- Lender liability do's and don'ts
- Understand roles of parties with whom lender is negotiating and potential conflicts between borrower's representatives – more than borrower and guarantor

## The Process Getting the Parties Right

- Be cognizant of:
  - Limitations and requirements in:
    - loan participation agreements
    - intercreditor agreements
    - subordination, non-disturbance, and attornment agreements

## The Process Getting the Parties Right

- Be cognizant of the status and position of other parties and impact of exercise of lender's collection strategy and remedies upon
  - Tenants
  - Inferior lien holders
  - Equity
  - Superior lien holders
  - Mezzanine lenders
  - Guarantors
  - Substitute Guarantors
  - Loan participants

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## Title search: Guide to Real Estate Workouts with Key Forms

Also available as part of the eCourse

[2016 Mortgage Lending eConference](#)

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50<sup>th</sup> Annual William W. Gibson, Jr. Mortgage Lending Institute session  
"Workouts and Restructurings"