

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

## September 17-18, 2020 • Live Webcast

### Thursday Morning, September 17, 2020

**Presiding Officer:**

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

8:20 am	<b>Welcoming Remarks</b>
8:30 am 0.75 hr 0.25 hr ethics	<p><b>Case Law Update - Part I</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>
9:15 am	<b>5-Minute Break</b>
9:20 am 0.50 hr	<p><b>Title Insurance Update</b></p> <p>Gain insight on what we learned from the recent pandemic and the New 2021 ALTA Commitment and Policies.</p> <p>Paul D. Pruitt, Title Resources Guaranty Company - Austin, TX</p>
9:50 am	<b>5-Minute Break</b>
9:55 am 0.50 hr	<p><b>Survey &amp; Title Review: Guidelines, Objections, Solutions, and Closing Instructions</b></p> <p>Explore checklists for surveys, title commitments, and exception documents. Gain insight on sample objections, solutions and potential endorsements, and closing requirements.</p> <p>Roland Love, Independence Title Company - Dallas, TX</p>
10:25 am	<b>5-Minute Break</b>
10:30 am 0.75 hr	<p><b>TREC One to Four Family Contract</b></p> <p>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.</p> <p>Blair Moore Raggio, Allegiance Title Company - Dallas, TX Dawn Moore, Allegiance Title Company - Dallas, TX</p>
11:15 am	<b>5-Minute Break</b>

11:20 am 0.75 hr 0.25 hr ethics	<p><b>The Annotated Assignment of Rents Revisited</b></p> <p>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.</p> <p>Lorin Williams Combs, Winstead PC - Austin, TX  Jerry L. Lott Jr., Winstead PC - Austin, TX</p>
12:05 pm	<p><b>Break for Lunch—Presentations Resume at 12:25 p.m.</b></p>

**Thursday Afternoon, September 17, 2020**

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

**LUNCHEON PRESENTATION**

12:25 pm 1.00 hr	<p><b>What Does the Future Hold for the Commercial Real Estate Market?</b></p> <p>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.</p> <p>Will McIntosh, Global Head of Research, USAA Real Estate - San Antonio, TX</p>
1:25 pm	<p><b>Break—Presentations Resume at 1:35 p.m.</b></p>
	<p><b>SPECIAL NOTICE: Live Webcast includes the following <i>Advanced Commercial Lending</i> sessions only</b></p> <p>The <i>Residential Lending</i> sessions will be prerecorded and the video will be made available in “Your Briefcase” on the first day of the conference.</p>
1:35 pm 0.75 hr 0.25 hr ethics	<p><b>Potential Remedies in Mortgage Lending Transactions</b></p> <p>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.</p> <p>Jared Slade, Alston &amp; Bird LLP - Dallas, TX</p>
2:20 pm	<p><b>5-Minute Break</b></p>

2:25 pm 0.75 hr	<p><b>Apocalypse Now: Tips for Managing the Onslaught of Tenant Distress and Bankruptcy in the Age of COVID</b></p> <p>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.</p> <p>Katharine Battaia Clark, Thompson Coburn LLP - Dallas, TX Holly E. Magliolo, Winstead PC - Dallas, TX Richard S. Schmidt, The Claro Group - Corpus Christi, TX</p>
3:15 pm	<b>5-Minute Break</b>
3:20 pm 0.50 hr 0.25 hr ethics	<p><b>Environmental Due Diligence - Keeping Up With What Is New</b></p> <p>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.</p> <p>Mary S. Mendoza, Haynes and Boone, LLP - Austin, TX</p>
3:50 pm	<b>5-Minute Break</b>
3:55 pm 0.50 hr	<p><b>Cash Management: Lockboxes, Waterfalls, Sweeps and More!</b></p> <p>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.</p> <p>Benjamin F.S. Herd, Thompson &amp; Knight LLP - Dallas, TX</p>
4:25 pm	<b>5-Minute Break</b>
4:30 pm 0.50 hr	<p><b>Sample Ancillary Construction Loan Documents</b></p> <p>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.</p> <p>Luke E. Kraus, Barton Benson Jones PLLC - San Antonio, TX</p>
5:00 pm	<b>Adjourn</b>

## Friday Morning, September 18, 2020

### Presiding Officer:

**Amanda R. Grainger**, Winstead PC - Dallas, TX

<p>8:30 am 0.75 hr 0.25 hr ethics</p>	<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>
<p>9:15 am</p>	<p><b>5-Minute Break</b></p>
<p>9:20 am 0.50 hr 0.25 hr ethics</p>	<p><b>SB 2128 Electronic Execution and Recording Documents</b></p> <p>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.</p> <p>Celia Flowers, Flowers Davis, P.L.L.C., East Texas Title Companies - Tyler, TX Dawn M. Lewallen, First American Title Insurance Company - Houston, TX</p>
<p>9:50 am</p>	<p><b>5-Minute Break</b></p>
<p>9:55 am 0.50 hr</p>	<p><b>Escrow and Title Theft</b></p> <p>Wire fraud and title thefts are the two fastest growing frauds in the mortgage and real property space. Examine recent cases and legal developments.</p> <p>Rachel M. Dollar, Smith Dollar PC - Santa Rosa, CA</p>
<p>10:25 am</p>	<p><b>5-Minute Break</b></p>
<p>10:30 am 0.50 hr</p>	<p><b>Modification and Workout Documentation...This Time It's Contagious!</b></p> <p>The issues and drafting concerns for workout documentation relating to the pandemic economic workout cycle.</p> <p>Niles W. Holmes, Niles Holmes, P.C. - Dallas, TX</p>
<p>11:00 am</p>	<p><b>5-Minute Break</b></p>
<p>11:05 am 0.50 hr</p>	<p><b>LIBOR</b></p> <p>The long life and untimely demise of the world's most important number.</p> <p>Jonathan Thalheimer, McGuire, Craddock &amp; Strother, P.C. - Dallas, TX</p>
<p>11:35 am</p>	<p><b>5-Minute Break</b></p>
<p>11:40 am 0.50 hr</p>	<p><b>Environmental Lending and Foreclosure Risks in 2020</b></p> <p>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.</p> <p>John Mark McPherson, McPherson LawFirm, PC - Dallas, TX</p>

12:10 pm

**Break for Lunch—Presentations Resume at 12:30 p.m.**

## Friday Afternoon, September 18, 2020

### Presiding Officer:

**Jared Slade**, Alston & Bird LLP - Dallas, TX

### LUNCHEON PRESENTATION

12:30 pm  
0.50 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 pm

#### **5-Minute Break**

1:05 pm  
0.50 hr  
0.25 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 pm

#### **5-Minute Break**

1:40 pm  
0.50 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 pm

#### **5-Minute Break**

2:15 pm  
0.75 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 pm

#### **5-Minute Break**

3:05 pm 0.75 hr 0.25 hr ethics	<p><b>Technology: Big Picture, My Picture, Next Picture</b></p> <p>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.</p> <p>Keith H. Mullen, Shackelford, Bowen, McKinley &amp; Norton, LLP - Dallas, TX</p>
3:50 pm	<p><b>Adjourn</b></p>

**Residential Lending (included with webcast registration and prerecorded sessions will be placed in "Your Briefcase")**

**Presiding Officer:**

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

	<p><b>SPECIAL NOTICE: Below are the prerecorded <i>Residential Lending</i> sessions that will be available in "Your Briefcase" on the first day of the conference.</b></p> <p>These sessions provide an additional 3.25 hrs(including 0.25 hr ethics) of accredited MCLE credit.</p>
0.50 hr	<p><b>COVID-19 Mortgage Compliance Issues</b></p> <p>A legal and regulatory update for mortgage companies and mortgage divisions of banks in a constantly changing environment.</p> <p>Troy Garris, Garris Horn LLP - Dallas, TX</p>
0.75 hr	<p><b>Bringing Real Estate into the Digital Age</b></p> <p>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.</p> <p>Jackie Mohr, Zillow Group - Scottsdale, AZ</p>
0.75 hr	<p><b>Marital Property</b></p> <p>Discuss how divorce can affect the real estate transaction including the basics of homestead rights and community property.</p> <p>Shari Rios, National Title Group - Rockwall, TX</p>
0.50 hr	<p><b>Current Trends in Single &amp; Multifamily Servicing Litigation</b></p> <p>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.</p> <p>Bradley J. Purcell, Reed Smith LLP - Dallas, TX</p>

0.75 hr  
0.25 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

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