

51<sup>ST</sup> ANNUAL WILLIAM W. GIBSON, JR.

# MORTGAGE LENDING INSTITUTE



WORKSHOP

September 27, 2017

INSTITUTE

September 28–29, 2017

AT&T Conference Center  
Austin, Texas

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 [Live Webcast September 27, 28–29](#)

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2017

# THE FUTURE OF RESIDENTIAL MORTGAGE LENDING

September 27, 2017 ■ AT&T Conference Center ■ Austin, Texas

Earn up to 4.00 Hours of Credit

## WEDNESDAY AFTERNOON

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

**12:15 p.m. Registration Room Opens**  
Includes light refreshments.

**12:50 p.m. Welcoming Remarks**

**1:00 p.m. .50 hr**  
**Disruptive Technologies for the Mortgage Industry**

Hear what technology-induced changes are looming and how the mortgage industry needs to embrace disruption, given the latest advances and innovations in technology. Explore case studies and business outcomes involving big data and analytics, machine learning, cognitive computing, and blockchain technologies.

Chitra Dorai, Fellow and Master Inventor, IBM Global Business Services, New York, NY

**1:30 p.m. .50 hr**  
**Politics at Home and Abroad**

Explore the political pressures in Washington and abroad that affect the residential mortgage market, and identify significant related litigation, legislation, regulation, and world capital market issues.

Karen M. Neeley, Senior Counsel, Kennedy Sutherland LLP, Austin, TX  
Kurt Pfothenhauer, Vice Chairman, First American Title Insurance Company, Washington, DC

**2:00 p.m. .50 hr**

**Technology in Real Estate: Market Implications and Advice for Tech-Enabled Real Estate Start-Ups**

Examine how technology currently impacts the real estate market and how it may impact the real estate market in the future. Gain practical guidance on issues related to tech-enabled real estate start-ups.

I. Bobby Majumder, Firmwide Co-Chair, India Practice and Dallas Office Managing Partner, Perkins Coie, LLP, Dallas, TX

**2:30 p.m. .50 hr**

**Current Trends in Servicing Enforcement and Litigation**

Survey recent mortgage servicing enforcement actions and litigation.

Brandon Sargent, Associate General Counsel, Citi, Irving, TX

**3:00 p.m. Break**

**3:15 p.m. .50 hr**

**Managing Risk in a Global Banking Institution**

Hear about the major concerns looming for 2018 and general best practice tips for risk management, and discover how risk managers create value at their institutions.

Nicholas Diieso, Vice President, Global Risk Management, Deutsche Bank, New York, NY

**3:45 p.m. .50 hr**

**Freddie Mac's Duty to Serve Program**

This July, the Federal Housing Finance Agency concluded the comment period on Freddie Mac and Fannie Mae's proposed plans to implement Duty to Serve requirements. These plans—which could be put into effect as soon as January 2018—are designed to meet mandates that the GSEs provide leadership to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in Manufactured Housing, Affordable Housing Preservation, and Rural Housing. Before these plans are put into effect, hear an overview of the new regulation, Freddie Mac's Underserved Markets Plan, and related legal and structural challenges in these markets.

Ann Epstein, Senior Director Project Management, Freddie Mac, Washington, DC

**4:15 p.m. .50 hr**

**New TRID Same as Old TRID**

On July 7, 2017 the CFPB published a final rule amending the TRID regulations. Analyze the key components of the new rule and take a look back at implementation and production challenges with the TRID rule.

Brian Webster, Senior Vice President, Strategic Planning Manager, Wells Fargo Home Mortgage, Columbia, MD

**4:45 p.m. .50 hr**

**eMortgage: Transforming the Digital Mortgage Experience**

Learn about the eMortgage process as an integral solution to significantly improving the borrower experience, building competitive advantage, and delivering operational and capital efficiencies. Discuss the digital transformation, why the time is right for eMortgages, and Fannie Mae's commitment to meeting current and future needs of customers and the industry.

Shane Hartzler, Director, eMortgage Strategy and Operations, Fannie Mae, Dallas, TX

**5:15 p.m. Adjourn to Reception**

**THANK YOU TO OUR RECEPTION SPONSOR**  
**PeirsonPatterson, LLP**

**NETWORKING RECEPTION**  
**5:15 p.m. to 6:15 p.m.**

Join us for drinks and hors d'oeuvres with program faculty and attendees.

## WORKSHOP FACULTY AND CHAIR

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Director, eMortgage Strategy and Operations  
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Senior Vice President, Strategic Planning Manager  
Wells Fargo Home Mortgage  
Columbia, MD

\*Planning Committee member

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TX Legal Specialization Credit Expected for Bankruptcy Law, Consumer and Commercial Law, and Real Estate Law

**THURSDAY MORNING**

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

**8:00 a.m. Registration Opens**  
Includes continental breakfast.

**8:50 a.m. Welcoming Remarks**

**9:00 a.m. .75 hr**  
**Developments from the Texas Legislature**  
Hear a report on the laws passed by the 85th Texas Legislature affecting mortgage lending and the practice of real estate law.

Speaker TBD, Real Estate, Probate, and Trust Law Section of the State Bar of Texas, Austin, TX (Invited)

**9:45 a.m. .50 hr**  
**A Checklist for Commercial Loans**  
Examine lender requirements for closing a commercial real estate loan transaction, highlighting issues and pitfalls that can surface and derail almost any closing.

Mary S. Axelrad, Gray Reed & McGraw LLP, Houston, TX

**10:15 a.m. Break**

**10:30 a.m. .50 hr**  
**Land Use Law in the Loan Process: Issue Spotting and Resolution**  
Explore land use due diligence for a loan and alternatives to keep the loan proceeding to closing, with insight into both public land use (zoning, platting, permitting, and development agreements) and private land use (deed restrictions, easements, and reciprocal agreements).

Reid C. Wilson, Wilson, Cribbs & Goren, P.C., Houston, TX

**11:00 a.m. .50 hr**  
**Foreclosure Refresher: The Updated Basics**  
Get a step-by-step refresher on the foreclosure process, with a focus on practical concerns, and an update regarding recent statutory changes and case law impacting the process.

Brian Thompson Morris, Winstead PC, Dallas, TX

**11:30 a.m. .50 hr**

**Texas Estates Code Redefines Secured Creditor's Rights and Remedies**

Upon a borrower's death, not only are the secured creditor's rights redefined by the Texas Estates Code, the enforcement of its rights is stayed until a probate estate is opened for the deceased borrower. Travel with the secure creditor as it elects when and how it will be paid.

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

**12:00 p.m. Pick Up Lunch**

**THURSDAY AFTERNOON**

**Presiding Officer: Mary S. Mendoza, Haynes and Boone, LLP, Austin, TX**

**LUNCHEON PRESENTATION**

**12:20 p.m. .75 hr**  
**U.S. Housing Market Trends: An Insider's Perspective**

The 2008 housing collapse shook the U.S. economy to its foundation. Hear from an industry leader on how it happened and what conditions exist today that may cause another market meltdown.

Ed Delgado, Five Star Institute, Dallas, TX

**1:05 p.m. Break**

**CONCURRENT SESSIONS**

**COMMERCIAL LENDING**

**Presiding Officer: Mary S. Mendoza, Haynes and Boone, LLP, Austin, TX**

**1:20 p.m. .50 hr**  
**Mortgage Loan Modifications**

Think you know everything about mortgage loan modifications? Think again. Review thorny issues relating to mortgage loan modifications, including who has consent and how to record, and learn something new in the process.

J. Cary Barton, Barton, East & Caldwell, P.L.L.C., San Antonio, TX

**1:50 p.m. .50 hr**

**Unusual Collateral in Real Estate Finance: Cars and Boats and Planes, Oh My!**

Survey some of the unusual kinds of collateral requested or needed by real estate lenders.

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

**2:20 p.m. .50 hr | .25 hr ethics**

**Make Life Better: Leveraging Tech**

Get practical tips on using technology designed to help improve your practice and your day.

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

**2:50 p.m. .50 hr**

**Beware the Boilerplate**

A loan is only as good as its documents. When the time comes to enforce a loan or guaranty, the devil is in the drafting—and that includes those standard provisions at the back of the document. Drafters tempted to copy these terms from deal to deal as mere "boilerplate" do so at their peril, because these standard provisions can have case-dispositive effect. Drawing on real case studies, learn why contract terms involving waiver, merger and integration, choice of law and venue, and others deserve a second look.

Linda Stahl, Carter Scholer PLLC, Dallas, TX

**3:20 p.m. Break**

**CONCURRENT SESSIONS**

**RESIDENTIAL LENDING**

**Presiding Officer: Chris A. Peirson, PeirsonPatterson, LLP, Dallas, TX**

**1:20 p.m. .50 hr | .25 hr ethics**

**Excess Proceeds: Deceptively Simple or Just Plain Simple?**

Who is entitled to excess proceeds after a foreclosure sale – inferior lienholders, borrowers, or nefarious others? Explore the intricacies associated with a seemingly straightforward process and how it can become a convoluted quandary.

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

1:50 p.m. .50 hr

### TRID Update for Residential Transactions

Review the general provisions of the TILA/RESPA Integrated Disclosure rule (TRID) and hear an update on current issues and areas of discussion.

Janet S. Minke, Alliant National Title Insurance Co., Fort Worth, TX

2:20 p.m. .50 hr

### Lender "No Nos"

Gain insight into consumer claims for homestead protection.

Molly Ann Rogers, Texas Rio Grande Legal Aid, Austin, TX

2:50 p.m. .50 hr

### Changes to Home Equity Lending 2017

Survey the top ten issues Texas home equity lenders face, including discussion of SJR 60 and why the vote on November 7, 2017 matters.

Thomas F. Vettters II, Robertson Anschutz Vettters, Austin, TX

3:20 p.m. Break

3:30 p.m. .50 hr

### Electronic Notarization

Has Texas set the national standard for online notarization? How online notarization will change the real estate practice.

John Fleming, Law Office of John Fleming, Austin, TX

4:00 p.m. 1.00 hr ethics

### Ethics in Real Estate Practice

Identify potential ethical pitfalls for lawyers and other dilemmas in a real estate practice.

Sam Johnson, Scott Douglass & McConnico LLP, Austin, TX

5:00 p.m. Adjourn

## FRIDAY MORNING

**Presiding Officer: Karen M. Neeley,  
Kennedy Sutherland LLP, Austin, TX**

8:00 a.m. Conference Room Opens

Includes continental breakfast.

9:00 a.m. .75 hr

### Texas Case Law Update

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

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

9:45 a.m. .50 hr

### Bankruptcy Law Update

Get an update on bankruptcy issues that impact the real estate practice, including discussion of *Husky v. Ritz*, *Jevic*, and "golden shares."

Hon. Tony M. Davis, U.S. Bankruptcy Court, Western District of Texas, Austin, TX

10:15 a.m. .50 hr

### How to Foreclose Personal Property

Gain practical guidance on how to foreclose on personal property under Article 9 of the UCC and the Texas Business and Commerce Code. Discuss the issues that may arise, including how to give proper notice, conduct a private or public sale, and repossess and dispose of collateral.

Frances Anne Luttrell Smith, Shackelford, Melton & McKinley, Dallas, TX

10:45 a.m. Break

11:00 a.m. .50 hr

### Construction Loans and Contractor Documents

Hear a contractor's perspective on lender's consent and assignment forms.

Joe R. Basham, Allensworth and Porter, L.L.P., Austin, TX

11:30 a.m. .50 hr

### ABCs of Development Infrastructure Finance

"I'd like to create a [PID, MUD, TIRZ, TIF, MMD, Type A, Type B, J]." Each is an economic development tool that can be used to finance or reimburse a developer for, among other things, the costs of certain infrastructure projects. Learn how to find the right tool for the right project.

Corey Admire, Shupe Ventura PLLC, Dallas, TX

12:00 p.m. .50 hr

### Title Policy Key Provisions, The Duty to Defend, and Claims

Focus on key provisions of the title insurance policy including determination and timing of loss, duty of defense, and exclusions from coverage. Discuss recent cases and how Texas courts have construed these provisions.

Dawn Lewallen, Stewart Title Guaranty Company, Houston, TX

12:30 p.m. Pick Up Lunch

## FRIDAY AFTERNOON

**Presiding Officer: Brian C. Rider,  
The University of Texas School of Law,  
Austin, TX**

### LUNCHEON PRESENTATION

12:50 p.m. .75 hr

### Challenges and Opportunities in Emerging Market Real Estate

Nearly 70 percent of all real estate development is occurring outside of the U.S. What drives this growth and why should it matter to all of us in the U.S.? See a glimpse of the issues facing outbound investors, and what inbound capital is seeking.

Tony Ciochetti, UTSA College of Business, San Antonio, TX

1:35 p.m. Break

1:50 p.m. .50 hr

### Title Insurance in Wind and Solar Projects

Hear an overview of title insurance in wind and solar projects with a focus on assembling title, deal structure, and special title risk evaluations.

Joel Atkins, Chicago Title Insurance Company, Dallas, TX

2:20 p.m. .50 hr

### Retail Resuscitation: Environmental Challenges for Reanimation

Whether you think retail is dying or not, there are plenty of examples of shuttered malls and other retail outlets. Listen to a quick overview of successful redevelopments and come away with an outline of environmental issues and solutions that might be involved in your next project.

Steve Morton, K&L Gates LLP, Austin, TX

2:50 p.m. .50 hr

### Deconstruction and Reconstruction: New Life For A Dead Mall

Developing and operating a large retail shopping mall, with several separately owned anchor stores, requires carefully drafted and coordinated covenants, restrictions, access easements, joint parking agreements, operating agreements, ground leases, and other real estate interests. But what happens when this use of the property becomes obsolete and there are redevelopment opportunities? Using a case study, examine what has to be done to deconstruct the complex property rights and interests and create new redevelopment opportunities.

Jay Hailey, DLA Piper LLP (US), Austin, TX

3:20 p.m. Break

3:30 p.m. .50 hr

### Current Hot Topics and Quick Tips

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

Travis J. Siebeneicher, DuBois, Bryant & Campbell, L.L.P., Austin, TX  
Richard L. Spencer, Zeidman Spencer Beverly & Holt, LLP, Houston, TX

4:00 p.m. .50 hr ethics

### Technology and Ethics

Hear an overview of lawyers' ethical obligations—and tips on avoiding potential ethical pitfalls—with respect to the technology we all use.

Laura L. McClellan, FisherBroyles, LLP, Dallas, TX

4:30 p.m. Adjourn

# REGISTRATION FORM

**Register:**  
www.utcle.org/conferences/MLW17  
www.utcle.org/conferences/ML17

**Mail:**  
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PO Box 7759  
Austin, TX 78713-7759

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## REGISTRATION

**MORTGAGE LENDING WORKSHOP—MLW17**  
*Includes electronic course materials*

**Select Registration Type**

Individual registration by September 20 ..... \$195

Individual registration after September 20 ..... \$245

**Printed course binder available for an additional fee through September 20**  
*Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase" at utcle.org*

Printed Course Binder ..... \$37.89  
*Price includes 8.25% Sales Tax*

Printed Course Binder for tax exempt registrants ..... \$35  
*(e.g., government employees and nonprofits)*

**MORTGAGE LENDING INSTITUTE—ML17**  
*Includes electronic course materials and Thursday and Friday luncheon presentation*

**Select Registration Type**

Individual registration by September 20 ..... \$645

Individual registration after September 20 ..... \$695

**Printed course binder available for an additional fee through September 20**  
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*NOTICE: Webcast includes Commercial Lending track but not Residential Lending track. Materials include both tracks. 6-8 weeks after the conference, Commercial Lending video and Residential Lending audio will both be available in "Your Briefcase."*

**LIVE WEBCAST INSTITUTE—ML17**

Individual registration ..... \$595

Workshop Registration Total ..... \$ \_\_\_\_\_

Institute Registration Total ..... \$ \_\_\_\_\_

**REGISTRATION SUBTOTAL** ..... \$ \_\_\_\_\_

**SAVE \$25 WHEN YOU REGISTER FOR BOTH MORTGAGE LENDING WORKSHOP AND CONFERENCE** ..... **-\$25** \$ \_\_\_\_\_

## ECONFERENCE For Texas MCLE Credit

*Complete eConference package includes all conference video and materials for download from "Your Briefcase" at utcle.org. Available 6-8 weeks after the live conference date.*

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Individual eConference ..... \$145

*Call 512.475.6700 to register additional participants*

**INSTITUTE—ML17**

Individual eConference ..... \$595

*Call 512.475.6700 to register additional participants*

**ECONFERENCE SUBTOTAL** ..... \$ \_\_\_\_\_

## COMPLETE CONFERENCE MATERIALS For Research and Self-Study

*Comprehensive Binder and Audio from the live conference. Available for download 4-6 weeks after the live conference date. Texas customers add 8.25% sales tax.*

**WORKSHOP—MLW17**

eBinder Download (PDF) ..... \$60

Printed Binder ..... \$110

Audio Download (MP3) ..... \$50

**Workshop Complete Conference Materials<sup>†</sup> Total** ..... \$ \_\_\_\_\_

**INSTITUTE—ML17**

eBinder Download (PDF) ..... \$225

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Audio Download (MP3) ..... \$175

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ML17/MLW17

**AUSTIN**

**September 28–29, 2017**

**CONFERENCE LOCATION**



**AT&T Conference Center**  
1900 University Avenue  
Austin, Texas  
877.744.8822

**Special Room Rate: \$189**  
good through September 8, 2017  
(subject to availability)

**Parking:**  
Free daily self-parking at UT garages.  
Separate fees apply for valet  
and overnight parking.

**KEY DATES**

**September 20, 2017**  
*last day for early registration*  
add \$50 for registrations  
received after this time

**September 22, 2017**  
*last day for cancellation (full refund)*

**September 25, 2017**  
*last day for cancellation (partial refund)*  
\$50 processing fee applied

**September 27, 2017, 12:15 p.m.**  
*workshop begins*

**September 28, 2017, 8:00 a.m.**  
*institute begins*

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