Arrows in the Quiver: Remedies for Commercial Real Estate Secured Loans

## Presentation for:

Mortgage Lending Institute

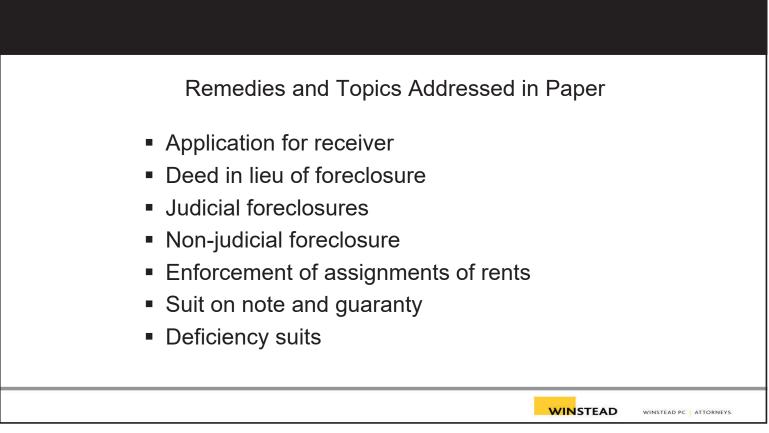
Austin, Texas September 16, 2021

## Speaker:

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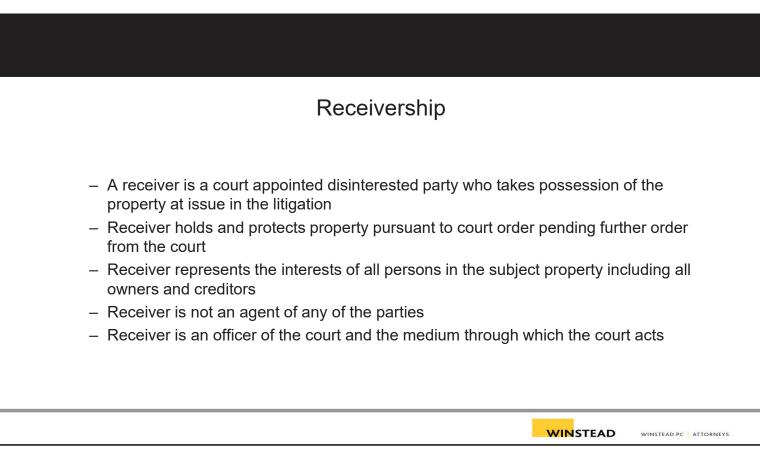


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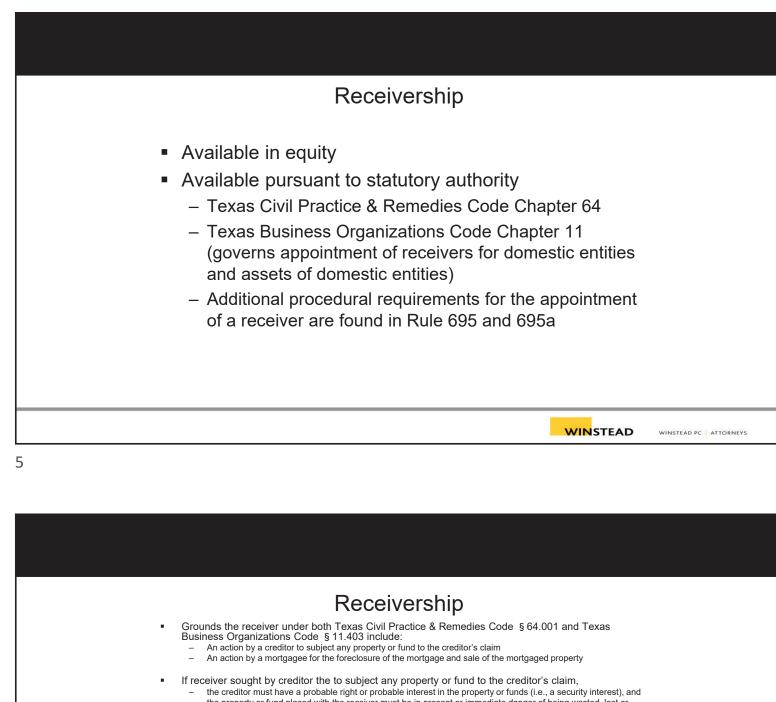
## Scope of Presentation

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- Receiverships
- Limitations issues/equitable subrogation
- Lender liability issues
- TARA



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- If the receiver is sought by a creditor to subject any property or funds of an entity subject to the Tex. Bus. Org. Code, then in addition to the foregoing requirements, the party seeking the receiver must also establish:
  - that circumstances exist that are considered by the court to necessitate the appointment of a receiver to conserve the property or fund to avoid damage to the interested parties
  - all other requirements of law are complied with, and
    all other evolution of law are complied with, and
  - all other available legal and equitable remedies are inadequate. Tex. Bus. Org. Code § 11.403 (b)(1) (4)
- If the receiver is sought by a mortgagee in an action for foreclosure of the mortgage and sale of the mortgaged property,
  - it must appear that either:
    - the mortgaged property is in danger of being lost, removed or materially injured; or
    - the mortgage is in default and the mortgaged property is probably insufficient to discharge the debt (i.e., property is under water)

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## Title search: Arrows in the Quiver: Remedies for Commercial Real Estate Secured Loans

Also available as part of the eCourse

<u>Answer Bar: The Ins and Outs of Commercial Real Estate Loans and Title</u> <u>Insurance</u>

First appeared as part of the conference materials for the

55<sup>th</sup> Annual William W. Gibson, Jr. Mortgage Lending and Servicing Institute session "Arrows in the Quiver: Remedies for Commercial Real Estate Secured Loans"