53RD ANNUAL WILLIAM W. GIBSON, JR.
MORTGAGE LENDING AND SERVICING INSTITUTE

September 12–13, 2019
DoubleTree by Hilton Hotel Austin • Austin, Texas

Live Webcast September 12–13

Earn up to 13.25 Hours of MCLE Credit, Including 1.50 Hours of Ethics Credit
MCLE Credit Approved in TX, CA, and OK (Hours Vary By Jurisdiction)
Legal 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)
THURSDAY MORNING, SEPT. 12, 2019

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

7:30 a.m. Registration Opens
Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .50 hr
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

9:00 a.m. .75 hr
Legislative Update
What the sausage-makers did this time: a report on the laws passed by the 86th Texas Legislature affecting mortgage lending and the practice of real estate law.
John H. “Jack” Miller III, Irelan McDaniel, PLLC, Houston, TX
J. Richard White, Winstead PC, Dallas, TX

9:45 a.m. .50 hr
Challenges in Building and Construction
An overview of construction issues impacting lending, including the rising popularity in modular building construction.
Dale E. Butler, Butler Law Firm, PC, Flower Mound, TX

10:00 a.m. Break

10:30 a.m. 1.00 hr
Lien Priority and Subordination
Review lien priority and subordination in Texas, with a focus on early commencement and M&M liens.
Edward A. Bontkowski, Haynes and Boone, LLP, Houston, TX
Carlin Evans, Haynes and Boone, LLP, Houston, TX

11:30 a.m. .50 hr
Water, Water Everywhere: The Impact of Water Planning on Lending and Development
Discuss what land developers and their counsel need to know about water availability and regulatory issues in development and planning for land development projects.
Edmond R. McCarthy, Jr., McCarthy & McCarthy LLP, Austin, TX

12:00 p.m. Pick Up Lunch
Included in registration.

THURSDAY AFTERNOON

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

12:20 p.m. .50 hr
Wire Fraud
Real estate wire fraud is a sophisticated scam targeting individuals making wire transfer payments during the home buying process. Unknowningly, victims send wire transfers to the account of criminals who pretend to be real estate professionals involved in the transaction. FBI data shows 11,300 victims lost a combined $149 million in 2018. Learn how to protect your clients from this financial fraud and make sure you follow best practices.
Justin Ailes, American Land Title Association, Washington, DC

12:50 p.m. Break

2:05 p.m. .50 hr
Texas Annotated SNDA
An overview of the key issues that lenders, landlords, and tenants should consider in negotiating SNDAs.
Jerry Lott Jr., Winstead PC, Austin, TX

2:35 p.m. Break

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EARN YOUR FULL MCLE REQUIREMENT

UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, attendees will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.
**TRACK A: ADVANCED COMMERCIAL**

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

2:50 p.m. .50 hr
The Rising Tide of Retail Tenant Bankruptcies: What Lenders Need to Know to Protect Their Collateral
As retail tenant bankruptcies become commonplace, the bankruptcies themselves continue to challenge commercial landlords and their lenders with nuanced approaches. Knowing the trends amidst the retail tenant bankruptcy apocalypse will help lenders more efficiently preserve and protect collateral.
Katharine Battala Clark, Hedrick Krinck, PLLC, Dallas, TX

3:20 p.m. .50 hr
Unusual Collateral in Real Estate Finance: Beyond Cars and Boats and Planes
A look at collateral which may give added value to real estate loans including technology matters, development agreement payments from municipalities, and other tangibles and intangibles.
Brian C. Rider, The University of Texas School of Law, Austin, TX

3:50 p.m. .50 hr
Completion Guarantees
Explore surprising problems potentially arising with superficially conventional completion guaranties sometimes required in connection with construction financing.
J. Cary Barton, Barton Benson Jones PLLC, San Antonio, TX

4:20 p.m. .50 hr
Nonconsolidation Opinions
Gain insight on substantive consolidation, what are the standards governing substantive consolidation throughout the United States, and what issues should be addressed in drafting non-consolidation opinions.
Bruce J. Zabarauskas, Thompson & Knight LLP, Dallas, TX

4:50 p.m. Adjourn

**TRACK B: RESIDENTIAL**

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

2:50 p.m. .50 hr
eClosings: It May Be a Paper Moon, but Your Real Estate Practice Isn’t
A look at the legal infrastructure supporting eClosings; including electronic notes, remote online notary, the new Texas statute SB 2128 relating to “papering out” of electronic documents for recording, and discussion of how the title industry is implementing eClosing initiatives.
Rebecca Rice DeBakey, Stewart Title Guaranty Company, Houston, TX
John Fleming, Law Office of John Fleming, Austin, TX

3:20 p.m. .50 hr
Residential Mortgage Litigation Update
Review recent Texas cases and trends, with particular attention to claims involving Texas home equity loans and statutes of limitation.
B. David L. Foster, Locke Lord LLP, Austin, TX

3:50 p.m. .50 hr
Real Estate Industry Updates: A Review of Recent Updates to the TDI Basic Manual, TREC Forms and TR Forms
Explore recent changes to the Texas Title Insurance Basic Manual, including a rate decrease and the amendment of several of the most commonly used rate rules. Also review new forms promulgated by both TREC and TR (formerly TAR) in 2018, as well as changes to existing forms made by both entities. Gain a deeper understanding of the paperwork provided to lenders by both the Realtor and the Title Insurance company involved in a real estate transaction.
Lisa M. Beville, Fidelity National Title Group, Dallas, TX

4:20 p.m. .50 hr
Current Developments and Issues in Title Insurance
Survey recent developments in title insurance law, focusing most significantly on recent title insurance regulations and forms, recent Texas Legislation and cases affecting the industry in Texas, including a look at the state of mineral coverage, mechanics lien coverage, and marijuana related transactions coverage.
Dawn Lewallen, First American Title Company, Houston, TX

4:50 p.m. Adjourn
FRIDAY AFTERNOON

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

LUNCHEON PRESENTATION

12:20 p.m. .50 hr ethics
Attorney Ethics in the Social Media Realm
Worried about whether you’ll take heat for that tweet? Examine the ethical pitfalls awaiting unwary attorneys in the age of Facebook, Twitter, and Instagram. Using real world examples from cases and disciplinary proceedings around the country, this presentation will educate lawyers about how to ethically use – and avoid misusing – social media platforms.

John G. Browning, Passman & Jones, Dallas, TX

12:50 p.m. Break

1:05 p.m. .75 hr
Property Owners Association Borrowing: Association Solvency and Underwriting Red Flags
Property Owners Associations are as diverse as the residents that live within them. Discuss the myriad of variances in borrowing when considering the type of community (commercial, condominium, single family/townhome), the wide range of provisions in the governing documents affecting borrowing, and how underwriters may analyze an association’s solvency to determine whether it’s a bad loan.

Clinton F. Brown, Roberts Markel Weinberg Butler Hailey PC, Austin, TX
Brady Ortego, Roberts Markel Weinberg Butler Hailey PC, San Antonio, TX

1:50 p.m. .50 hr
Hot Topics in Mortgage Lending and Servicing
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

2:20 p.m. 1.00 hr ethics
Resilience: How to Survive and Thrive in a High Stress Practice
Why do some lawyers handle the stress of the job and the demands of family much better than others? What skills can we learn to improve our own lives? The answer may be: “Resilience.” Based on the skills taught by US Army for soldiers potentially fighting PTSD, identify ten strategies for dealing with stress, mental health, and making better decisions in law – and life.

Claude E. Ducloux, Attorney at Law, Austin, TX

3:20 p.m. Adjourn

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Houston, TX

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Houston, TX

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Stewart Title Guaranty Company
Dallas, TX

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Law Office of John Fleming
Austin, TX

B. DAVID L. FOSTER
Locke Lord LLP
Austin, TX

JAMES L. (JIM) GOSDIN*
Stewart Title Guaranty Company
Houston, TX

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Austin, TX

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*Planning Committee member
**TO THE REGISTRANT**

Name [Mr. / Ms. ] ________________________________

Firm ________________________________

Address ________________________________

City ______________________ State ________ Zip ________

Telephone __________________ Fax __________________

Registrant’s Email (required) ________________________________

Assistant’s Email (optional) ________________________________

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

**LIVE EVENT REGISTRATION**

Special group registration rates may be available. Call 512.475.6700.

Individual Registration

- Individual registration by Wednesday, September 4 ........................................ $645
- Individual registration after Wednesday, September 4 ...................................... $695

Thursday Afternoon Concurrent Sessions – Select One

- Advanced Commercial
- Residential

Printed Course Binder – Available Through Wednesday, September 4

Note conference registration includes Electronic Course Binder Download (PDF) in Your Briefcase.

- Printed Course Binder ............................................................... $54.13 ($50*)

* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.

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Includes Electronic Course Binder Download (PDF) in Your Briefcase. Please contact customer service for information regarding binder availability. The webcast will include the Advanced Commercial Lending track. Audio of the Residential track will be included in Your Briefcase, approximately 4-6 weeks post conference.

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**TOTAL EVENT REGISTRATION $ ________**

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

**POST-CONFERENCE PRODUCTS**

- eConference – For Texas and California MCLE Credit

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) ........................................... $243.56 ($225*)
- Printed Post-Course Binder .......................................................... $319.34 ($295*)

* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.

- 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*)

* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.

**TOTAL POST-CONFERENCE PRODUCTS $ ________**

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Full Service Experience: Registration for the live event includes continental breakfasts, and Thursday and Friday luncheon presentations, along with countless networking opportunities throughout the event.

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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 event.

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REASONS TO ATTEND

UT Law’s 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 Tracks on Advanced Commercial Lending and Residential Lending
- Insight into hot topics like qualified opportunity zones, POA solvency, Fintech, and water planning
- Tips for handling the coming storm in Workouts: Winter is Coming (Lessons from 2008)
- Guidance on Resilience: How to Survive and Thrive in a High Stress Practice
- Networking opportunities with industry leaders and fellow attendees

Following the conference, attendees will receive supplemental on-demand programming to ensure they are able to satisfy their full 15.00/3.00 ethics Texas MCLE annual requirement. All this makes the Institute the definitive real estate finance course of the year.