

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

## September 16-17, 2021 • Live Webcast

### Thursday Morning, Sep. 16, 2021

#### Presiding Officer:

**Niles W. Holmes**, Niles Holmes, P.C. - Dallas, TX

8:20 am	<b>Welcoming Remarks</b>
8:30 am 1.00 hr 0.25 hr ethics	<b>Case Law Update - Part I</b>  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
9:30 am	<b>5-Minute Break</b>
9:35 am 0.75 hr	<b>Legislative Update</b>  The Real Estate Legislative Affairs Committee (RELACs) reviews the legislature's response to COVID, ERCOT, and other fun acronyms.  John H. "Jack" Miller III, Jack Miller Law, PLLC - Houston, TX
10:20 am	<b>5-Minute Break</b>
10:25 am 0.50 hr	<b>Title Examination Standards - Amended and New</b>  It seems a regular event these days that the legislature or the courts cause a change in our Title Examination Standards. Review recent impacts on passage of title upon death, adverse possession, cotenancy, and others. Good title and authority are essential to good collateral and lending underwriting.  Roland Love, Independence Title Company - Dallas, TX
10:55 am	<b>10-Minute Break</b>
11:05 am 0.75 hr	<b>Congressional and Administration Priorities Affecting Mortgage Counsel</b>  Learn what policymakers are prioritizing in the financial services arena and how it will affect mortgage lenders. Get an update on the Consumer Financial Protection Bureau, Federal Housing Finance Agency, House Financial Services Committee, and Senate Banking Committee.  Celia Winslow, American Financial Services Association - Washington, DC
11:50 am	<b>5-Minute Break</b>

11:55 am 0.75 hr ethics	<b>Ethics in Real Estate Practice</b>  Identify potential ethical pitfalls for lawyers and other dilemmas in a real estate practice.  Sam Johnson, Scott Douglass & McConnico LLP - Austin, TX
12:40 pm	<b>Break for Lunch—Presentations resume at 1:00 p.m. (Webcast)</b>

## Thursday Afternoon, Sep. 16, 2021

### Presiding Officer:

**Niles W. Holmes**, Niles Holmes, P.C. - Dallas, TX

### LUNCHEON PRESENTATION

1:00 pm 1.00 hr	<b>The Outlook for the US and Texas Economies in a Post-COVID-19 Environment</b>  Dr. Perryman will describe his projections for growth in business activity as the economy recovers from the pandemic. Key trends will be discussed, including industry outlooks, areas of particular strength, potential challenges, and commercial and residential real estate markets.  M. Ray Perryman, The Perryman Group - Waco, TX
2:00 pm	<b>10-Minute Break</b>
	<b>SPECIAL NOTICE</b>  Please stay tuned for information on how to access the Advanced Commercial and Residential tracks. Materials for both tracks are available in the course materials. Approximately 4-6 weeks after the conference, the Advanced Commercial Lending and Residential Lending videos will both be available in "Your Briefcase."

### Track A: Advanced Commercial Lending Track

#### Presiding Officer:

**Michelle Moore Smith**, Jackson Walker LLP - Austin, TX

2:10 pm 0.75 hr	<b>Loan Modifications</b>  Gregory Garner, Bank OZK - Austin, TX Patrick O. Smith, Lackey & Smith PLLC - Austin, TX
2:55 pm	<b>5-Minute Break</b>
3:00 pm 0.50 hr	<b>Land Use Due Diligence for Lenders</b>  Land Use regulations (public and private) affect the ability for collateral to be used for the intended purpose. Learn what to review and how to identify, assess, mitigate and accept land use risk.  Reid Wilson, Wilson, Cribbs + Goren, P.C. - Houston, TX
3:30 pm	<b>5-Minute Break</b>

3:35 pm 0.50 hr	<b>Arrows in the Quiver: Remedies for Commercial Real Estate Secured Loans</b>  Review of potential remedies available to enforce and collect commercial real estate secured loans. What are the requirements? What are the pros and cons?  Brian Thompson Morris, Winstead PC - Dallas, TX
4:05 pm	<b>5-Minute Break</b>
4:10 pm 0.50 hr	<b>Making Sure Your Deal is Financeable</b>  Anticipating the requirements of your future lender.  Kent Newsome, Greenberg Traurig, LLP - Houston, TX
4:40 pm	<b>5-Minute Break</b>
4:45 pm 0.50 hr	<b>What is Negotiable in Loan Documents</b>  Discuss issues, motivations and explanations of the loan document provisions that are typically negotiated in a commercial real estate lending transaction.  Niles W. Holmes, Niles Holmes, P.C. - Dallas, TX

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#### Track B: Residential Track

##### Presiding Officer:

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

2:10 pm 0.75 hr	<b>Annotated Loan Modification</b>  Focus on factors to consider when modifying for distressed borrower and its affect on priority. Discuss annotations related to Texas Home Equity, Fannie Mae / Freddie Mac Serviced loans and title insurance.  Dawn M. Lewallen, First American Title Insurance Company - Houston, TX
2:55 pm	<b>5-Minute Break</b>
3:00 pm 0.50 hr	<b>Litigation Against Real Estate Brokers and Latest Trends</b>  Craig Dowis, Thompson Coe - Dallas, TX
3:30 pm	<b>5-Minute Break</b>
3:35 pm 0.50 hr	<b>Emerging Risk Trends in Fraud Detection and Prevention</b>  Review the major considerations facing the financial services industry with regards to fraud actors, their methods, and industry considerations to enhance the detection and subsequent mitigation of fraud risk.  Nicholas Diieso, Citi - New York, NY
4:05 pm	<b>5-Minute Break</b>

4:10 pm 0.50 hr	<b>Residential Mortgage Litigation Update</b>  Review of Texas state and federal cases concerning origination and servicing of residential mortgages.  Daniel Durell, Locke Lord LLP - Austin, TX
4:40 pm	<b>5-Minute Break</b>
4:45 pm 0.50 hr	<b>Lender's Closing Instructions and Texas Department of Insurance's Procedural Rule P-35</b>  Overview of the title industry's standard practice and regulations regarding lender's closing instructions. Additionally, gain insight into the push for future standardized closing instructions.  Blair Moore Raggio, Allegiance Title Company - Dallas, TX
5:15 pm	<b>Adjourn</b>

## Friday Morning, Sep. 17, 2021

### Presiding Officer:

**Mary S. Mendoza**, Haynes and Boone, LLP - Austin, TX

8:30 am 0.75 hr 0.25 hr ethics	<b>Case Law Update - Part II</b>  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
9:15 am	<b>5-Minute Break</b>
9:20 am 0.50 hr	<b>LIBOR Transition: Perspective and Recent Developments</b>  An overview of recent developments in, and a perspective on, the transition away from the London Interbank Offered Rates (LIBOR) for variable rate loans.  This session was originally scheduled for Thursday, September 16th at 10:30 a.m., but has moved to Friday, September 17th at 9:20 a.m.  Jonathan Thalheimer, McGuire, Craddock & Strother, P.C. - Dallas, TX
9:50 am	<b>5-Minute Break</b>
9:55 am 0.50 hr	<b>Spelling Out Letters of Credit</b>  A summary of history and governing law, as well as a smattering of drafting tips. Discuss updates and considerations arising out of the COVID-19 pandemic.  Allison Bastian-Rodriguez, Denton Navarro Rocha Bernal & Zech, P.C. - Harlingen, TX
10:25 am	<b>5-Minute Break</b>

10:30 am 0.50 hr	<p><b>Mechanics Liens and Legislative Changes From HB 2237 Effective January 1, 2022</b></p> <p>A quick update on Texas Mechanics and Materialmens Liens with changes from the 2021 Regular Session of the Texas Legislature. Discuss new notice forms and requirements for a lien on retainage.</p> <p>Steven E. Kennedy, McGuire, Craddock &amp; Strother, P.C. - Dallas, TX</p>
11:00 am	<b>5-Minute Break</b>
11:05 am 0.50 hr	<p><b>Bankruptcy Topics for the Real Estate Lawyer; Free, Clear, and Beyond</b></p> <p>Bankruptcy law can impact real estate transactions in a myriad of ways. This session will cover the treatment of commercial leases in bankruptcy and sales of property by the debtor-in-possession or trustee.</p> <p>Michael D. Rubenstein, Liskow &amp; Lewis - Houston, TX</p>
11:35 am	<b>5-Minute Break</b>
11:40 am 0.50 hr	<p><b>New Developments and Hot Tips in Commercial Real Estate Mortgage Practice</b></p> <p>Hear recent developments and hot topics in mortgage lending and servicing and related real estate matters.</p> <p>Robert F. DuBois III, DuBois, Bryant &amp; Campbell, L.L.P. - Austin, TX Brian C. Rider, The University of Texas School of Law - Austin, TX</p>
12:10 pm	<b>5-Minute Break</b>
12:15 pm 0.50 hr	<p><b>Escrow Agreements with Title Companies for Post-Closing Matters</b></p> <p>An overview of the role of an Escrow Agent, types of Escrow Agents, escrow provisions of Contracts and the use of Post Closing Agreements.</p> <p>John P. Bruce, Heritage Title Company of Austin, Inc. - Austin, TX</p>
12:45 pm	<b>5-Minute Break</b>
12:50 pm 0.75 hr ethics	<p><b>Ethics for Attorneys: Am I Your Lawyer?</b></p> <p>Explore the point at which an attorney-client relationship forms. Discussion includes casual conversation, client intake, the effect and importance of disclaimers, and the risk of individual representation of corporate agents.</p> <p>Jason Boulette, Boulette Golden &amp; Marin L.L.P. - Austin, TX</p>
1:35 pm	<b>Adjourn</b>