

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

## September 12-13, 2024 • AT&T Conference Center • Austin, TX

### September 12-13, 2024 • Live Webcast

#### Thursday Morning, Sep. 12, 2024

##### Presiding Officer:

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

8:00 am In Austin Only	<b>Registration Opens</b>  Includes continental breakfast.
8:30 am	<b>Welcoming Remarks</b>
8:40 am 0.75 hr	<b>Case Law Update - Part I</b>  Discuss recent and significant Texas cases from 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
9:25 am 0.75 hr 0.25 hr ethics	<b>Part 1: Workout, Foreclosure, Deed-in-Lieu, Receivership, and Other Judicial and Non-Judicial Remedies. So Many Choices...</b>  The panel will share lessons learned from past cycles and what is different about this one. They will also discuss their general approach to problem loans, and the primary questions that guide the resolution process.  Niles W. Holmes, Niles Holmes, P.C. - Dallas, TX Brian Thompson Morris, Winstead PC - Dallas, TX Thomas M. Whelan, McGuire, Craddock & Strother, P.C. - Dallas, TX
10:10 am	<b>15-Minute Break</b>
10:25 am 1.50 hrs 0.50 hr ethics	<b>Part 2: Workout, Foreclosure, Deed-in-Lieu, Receivership, and Other Judicial and Non-Judicial Remedies. So Many Choices...</b>  The panel will share lessons learned from past cycles and what is different about this one. They will also discuss their general approach to problem loans, and the primary questions that guide the resolution process.  Niles W. Holmes, Niles Holmes, P.C. - Dallas, TX Brian Thompson Morris, Winstead PC - Dallas, TX Thomas M. Whelan, McGuire, Craddock & Strother, P.C. - Dallas, TX
11:55 am	<b>Q&amp;A and Wrap: Workout, Foreclosure, Deed-in-Lieu, Receivership, and Other Judicial and Non-Judicial Remedies</b>  Niles W. Holmes, Niles Holmes, P.C. - Dallas, TX Brian Thompson Morris, Winstead PC - Dallas, TX Thomas M. Whelan, McGuire, Craddock & Strother, P.C. - Dallas, TX

12:00 pm  
In Austin Only

**Pick Up Lunch (in Austin)**

**Thursday Afternoon, Sep. 12, 2024**

**Presiding Officer:**

**Chris Peirson**, PeirsonPatterson, LLP - Dallas, TX

**LUNCHEON PRESENTATION**

12:20 pm  
0.75 hr

**Interest Rates and the Mortgage Market: What's Next?**

The economy, inflation, and interest rates have created much uncertainty in the mortgage markets. Learn where interest rates and the mortgage market are likely headed.

Dr. Will McIntosh, Affinius Capital - San Antonio, TX

1:05 pm

**15-Minute Break**

1:20 pm  
1.00 hr

**Intercreditor Agreements - Avoiding Lender-on-Lender Violence in the Closing Process**

An examination of intercreditor agreements from the perspective of each of the borrower, the senior lender and the mezzanine lender.

Kevin A. Sullivan, Winstead PC - Austin and Dallas, TX

2:20 pm  
0.75 hr

**Real Estate Bankruptcy**

Hear a discussion on Subchapter V, lender and lessor relations, 363 sales, third-party releases, and related market trends affecting lenders in bankruptcy cases including a review of recent cases decided by the U.S. Supreme Court and in the Fifth Circuit.

Victoria N. Argeroplos, Jackson Walker LLP - Houston, TX  
Beau Butler, Jackson Walker LLP - Austin, TX  
Maha Ghyas, Jackson Walker LLP - Houston, TX

3:05 pm  
0.50 hr

**Title Insurance: Common Title Issues & Fixes**

Hear a title insurance update including common title issues that arise in a transaction and how to clean up a title after a project as gone wrong.

Heidi E. Junge, Stewart Title Guaranty Company - San Antonio, TX

3:35 pm

**10-Minute Break**

3:45 pm  
0.75 hr  
0.25 hr ethics

**Transactional Lessons Learned at the Courthouse**

Litigation is a popularity contest. This presentation provides lodestars for creating winning paper trails, focusing on the transactional documents presented to trial courts at temporary-restraining-order hearings, temporary-injunction hearings, summary-judgment hearings, pretrial evidentiary hearings, bench trials, and jury trials.

J. Edwin Martin, J. Edwin Martin Attorney and Counselor at Law - Dallas, TX

4:30 pm 0.75 hr	<b>FinCEN Developments</b>  FinCEN is a federal government level regulatory activity which involves real estate transactions, requiring filing of disclosures of ownership of corporations, LLCs and other entities. This is the Corporate Transparency Act, but, more important to real estate and real estate lending, is a second set of proposed regulations which would require attorneys and others involved in residential real estate closings to "turn in" clients and client information for the purposes of tracking illegal activity.  John P. Bruce, Heritage Title Company of Austin, Inc. - Austin, TX
5:15 pm	<b>Adjourn</b>

## Friday Morning, Sep. 13, 2024

### Presiding Officer:

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

8:00 am In Austin Only	<b>Conference Room Opens</b>  Includes continental breakfast.
8:30 am 0.75 hr	<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 1.00 hr	<b>Hot Topics</b>  Hear about recent developments and hot topics in mortgage lending and related real estate matters.  Robert F. DuBois III, DuBois, Bryant & Campbell, L.L.P. / Adjunct Professor Texas Law - Austin, TX Brian C. Rider, The University of Texas School of Law - Austin, TX
10:15 am	<b>15-Minute Break</b>
10:30 am 0.50 hr	<b>Give Me a (Tax) Break: Considerations for Affordable and Workforce Housing Transactions Utilizing Public Facility Corporations (PFCs)</b>  In recent years housing has become increasingly difficult to develop due to rising interest rates and construction costs, but innovative financing strategies that leverage property tax exemptions available to public facility corporations (PFCs) and other similar entities have allowed communities in Texas to continue growing. Examine the basics of PFCs, including their formation, legal requirements and recent legislative changes, and some of the pitfalls and best practices when considering a public-private partnership with a PFC.  Summer Greathouse, Bracewell - San Antonio, TX

11:00 am 0.50 hr	<p><b>How it Works: C-PACE Financing</b></p> <p>Hear about the building blocks of the Commercial Property Assessed Clean Energy program in Texas. Gain valuable insights on the mechanics of C-PACE financing and how it can be leveraged to fill gaps in the capital stack.</p> <p>Mansoor Ghori, Petros PACE Finance - Austin, TX Glenn Silva, Lone Star PACE - Frisco, TX</p>
11:30 am 1.00 hr ethics	<p><b>AI: Friend or Foe?</b></p> <p>Has Judgment Day come? Is Skynet about to destroy humanity? Nah...not yet. Until our computer overlords take charge, Generative AI can be a helpful new tool for sorting through the vast amounts of data and knowledge on the Internet. Walk through the basics of using Generative AI and hear some pointers on how you can make it work for you and your practice.</p> <p>Daniel C. Wood, Pillsbury Winthrop Shaw Pittman LLP - Austin, TX</p>
12:30 pm	<b>Adjourn</b>