

R. Wilson Freyermuth

John D. Lawson Professor of Law
University of Missouri School of Law
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EDUCATION

Duke University School of Law

J.D. with highest honors, May 1987
Class rank: 1st (Willis Smith Award)
Staff Member and Managing Editor, *Duke Law Journal*
Order of the Coif; William Neal Reynolds Scholar

University of North Carolina at Chapel Hill

B.S. in Business Administration, May 1984
James M. Johnston Scholar
Phi Beta Kappa, Beta Gamma Sigma, Phi Eta Sigma

EXPERIENCE

John D. Lawson Professor of Law and Curators' Teaching Professor, University of Missouri School of Law

August 1992-present. Received Tenure 1996, Promotion 2004.
Courses Taught: Property, Secured Transactions, Real Estate Transactions and Finance, Real Estate Leasing

Adjunct Professor, Owen Graduate School of Management, Vanderbilt University

2007-present. Course taught: Real Estate Transactions

Visiting Professor, University of North Carolina School of Law

Fall 2004. Course taught: Property

Visiting Professor, Washington University at St. Louis Law School

Fall 2002. Courses taught: Property, Real Estate Transactions

Visiting Professor, Duke University School of Law

Winter 2001. Course taught: Property

Visiting Lecturer in Law, University of Denver College of Law

1991-92. Courses taught: Property; Secured Transactions

Associate, Womble Carlyle Sandridge & Rice, Raleigh, NC

1988-91. Practice Areas: Commercial Lending/Real Estate, Bankruptcy, Receivership/Foreclosure, Federal Appellate Practice

Judicial Clerk, The Honorable John D. Butzner, Jr.

1987-88. Senior Circuit Judge, United States Court of Appeals for the Fourth Circuit, Richmond, VA

LAW REVIEW PUBLICATIONS

Private Transfer Fee Covenants: Cleaning Up the Mess, 45 REAL PROP., TR. & EST. L.J. 419 (2010)

Foreclosure by Arbitration?, 37 PEPPERDINE L. REV. 459 (2010)

Why Mortgagors Can't Get No Satisfaction, 72 MO. L. REV. 1159 (2007)

Foreword: Thank You, Dale, 72 MO. L. REV. 965 (2007)

Crystals, Mud, BAPCPA, and the Structure of Bankruptcy Decisionmaking, 71 MO. L. REV. 1069 (2006)

Modernizing Security in Rents: The New Uniform Assignment of Rents Act, 71 MO. L. REV. 1 (2006)

Are Security Deposits "Security Interests"? The Proper Scope of Article 9 and Statutory Interpretation in Consumer Class Actions, 68 MO. L. REV. 71 (2003)

Enforcement of Acceleration Provisions and the Rhetoric of Good Faith, 1998 BYU L. REV. 1035

The Circus Continues: Security Interests in Rents, Congress, the Bankruptcy Courts, and the "Rents Are Subsumed Within the Land" Hypothesis, 6 J. BANK. L. & PRAC. 115 (1997)

Rethinking "Proceeds": The History, Misinterpretation, and Revision of Section 9-306, 69 TUL. L. REV. 645 (1995)

Comments on A Revised Filing System, 79 MINN. L. REV. 957 (1995) (symposium comment)

Of Hotel Revenues, Rents, and Formalism in the Bankruptcy Courts: Implications for Reforming Commercial Real Estate Finance, 40 UCLA L. REV. 1461 (1993)

Rethinking Excessive Force, 1987 DUKE L.J. 692

Preemption of State Law Notice Provisions Governing the Recovery of Attorneys' Fees by Section 506(b) of the Bankruptcy Code, 1986 DUKE L.J. 176

BOOKS

REAL ESTATE FINANCE LAW (Thomson West, Practitioner Series, Sixth Edition) (with Grant S. Nelson, Dale A. Whitman & Ann M. Burkhart) (forthcoming 2013)

BOOKS (continued)

REAL ESTATE TRANSFER, FINANCE, AND DEVELOPMENT: CASES AND MATERIALS (ThomsonWest) (with Grant S. Nelson, Dale A. Whitman, and Ann M. Burkhart)

- Eighth Edition (2009)

PROPERTY AND LAWYERING: CASES AND MATERIALS (WestGroup)

- First Edition (2002) (with James L. Winokur and Jerome M. Organ)
- Second Edition (2006) (with Jerome M. Organ, Alice M. Noble-Allgire, and James L. Winokur)
- Third Edition (2010) (with Jerome M. Organ and Alice M. Noble-Allgire)

TEACHER'S MANUAL FOR PROPERTY AND LAWYERING (West Group)

- First Edition (2002)
- Second Edition (2006)
- Third Edition (2010)

UNDERSTANDING SECURED TRANSACTIONS (Matthew Bender/LEXIS) (with William H. Lawrence and William H. Henning)

- First Edition (1997)
- Second Edition (1999)
- Third Edition (2004)
- Fourth Edition (2007)
- Fifth Edition (forthcoming 2012)

R. Wilson Freyermuth, John P. McNearney, Debra Poggrund Stark, and Dale A. Whitman, *Anatomy of a Mortgage: Understanding and Negotiating Commercial Real Estate Loans* (ABA 2001)

PROFESSIONAL APPOINTMENTS AND HONORS

Fellow, American College of Real Estate Lawyers (2009)

Executive Director, Joint Editorial Board for Uniform Real Property Acts (2005-present)

Uniform Law Foundation Scholar (2003)

Reporter, Uniform Residential Mortgage Satisfaction Act (2004)

Reporter, Uniform Assignment of Rents Act (2005)

Reporter, Study Committees on Real Property Title Clearance Methods and Mortgagee Access to Rents (2002-2003)

CPR Institute for Dispute Resolution, 2002 Award for "Problem Solving in the Law School Curriculum" (for *Property and Lawyering*)

Property Fellow, Center for Computer-Assisted Legal Instruction (CALI), 2000-2001

American College of Commercial Finance Lawyers, 1993-94 Grant Gilmore Award (best article on commercial finance by young scholar)

**PROFESSIONAL
APPOINTMENTS
AND HONORS
(continued)**

University of Missouri:

- Curators' Teaching Professor (2009-present)
- 2007 William T. Kemper Fellowship for Teaching Excellence
- 2005 Blackwell Sanders Peper Martin Distinguished Faculty Achievement Award (excellence in classroom teaching)
- 2004 Loyd E. Roberts Prize in the Administration of Justice
- 1994 Shook, Hardy & Bacon Excellence in Research Award
- 1993 Phi Alpha Delta Teacher of the Year

**OTHER
PUBLICATIONS
AND TEACHING
MATERIALS**

Putting the Brakes on Private Transfer Fee Covenants, Probate and Property Magazine, July/August 2010 (ABA)

Uniform Assignment of Rents Act (2005)

Uniform Residential Mortgage Satisfaction Act (2004)

Legal and Regulatory Issues in the Creation, Perfection, and Enforcement of Security Interests in Manufactured Homes, 2009 Commercial Lending and Banking Law Institute (ALI-ABA)

CALI Property Law Lessons:

- Adverse Possession: An Introductory Lesson
- Adverse Possession: Open and Notorious Possession
- Adverse Possession: Hostile Possession Under Claim of Right
- Adverse Possession: Color of Title and Constructive Adverse Possession
- Adverse Possession: Continuous and Exclusive Possession for the Statutory Period
- Adverse Possession: Related Doctrines
- Adverse Possession: Review Questions
- Inter Vivos Gifts
- Gifts II: Testamentary Gifts, Causa Mortis Gifts, and Gifts of Future Interests
- Recording Acts

1995 Annual Update of Missouri Law—Real Property, in 1995 Annual Survey of the Law (with Jerome M. Organ) (Missouri Bar)

Cash Collateral Issues in Bankruptcy: Accounts Receivable, Rents, Hotel Receipts, in Eastern Bankruptcy Institute 1991, (with Sally A. Conti) (Eastern District Bankruptcy Institute)

Ethical Limitations on Lawyer Advertising and Solicitation, in Legal Ethics: A Practitioner's Guide, 1989 (North Carolina Bar Foundation)

Ethical Considerations: Qualification and Disqualification of Counsel in the Bankruptcy Arena, in Proceedings of the 11th Annual Bankruptcy Institute, 1988 (North Carolina Bar Foundation)

PRESENTATIONS

“Recent Developments: Law Professor’s Panel,” American Bar Association Real Property, Trust and Estate Law Section CLE Meeting, Washington, DC, April 29, 2011

“Putting the Brakes on Private Transfer Fee Covenants,” Renmin University School of Law, Beijing, China, June 18, 2010

“Recent Developments: Private Transfer Fee Covenants,” American College of Real Estate Lawyers, Washington, DC, October 31, 2009

“Foreclosure by Arbitration?,” Pepperdine Law Review Symposium (Bringing Down the Curtain on the Mortgage Crisis), Malibu, CA, April 17, 2009

“Why Texas Should Enact the Uniform Assignment of Rents Act,” Real Property Division, Real Property, Trust and Estate Section, State Bar of Texas, San Diego, CA, January 30, 2009

“The Creation, Perfection, and Enforcement of Security Interests in Manufactured Housing,” 2009 ALI-ABA Commercial Lending and Banking Law Institute, Scottsdale, AZ, January 29, 2009

“Recent Developments: Perspectives of Law Professors,” ABA Real Property, Probate and Trust Law Section, 2007 Spring CLE Meeting, Washington, DC, April 27, 2007

“Why Mortgagors Can’t Get No Satisfaction,” 2007 Missouri Law Review Symposium (A Festschrift in Honor of Dale A. Whitman), Columbia, MO, April 14, 2007

Moderator, Closing Roundtable, 2007 Missouri Law Review Symposium, “The Future of Property in the Law School Curriculum,” Columbia, MO, April 14, 2007

“Crystals and Mud in Bankruptcy,” Comment, 2006 Missouri Law Review Symposium (Interdisciplinary Perspectives on Bankruptcy Law), Columbia, MO, February 24, 2006

“Assignment of Rents Update: Current Developments in Assignment of Rents and Other Issues of Interest Only to Those Who Value Money,” ABA Real Property, Probate and Trust Law Fall 2005 CLE Meeting, San Francisco, CA, September 17, 2005 and ABA Teleconference, November 10, 2005

“Changing the Rules in Community Associations: A Play in Three Acts,” UNC Law School Faculty Colloquium, September 16, 2004

**PRESENTATIONS
(Continued)**

“Teaching Property Law for the 21st Century: Real Estate Transactions,” and “Teaching Property Law for the 21st Century: Choosing Materials and Methodologies,” AALS Conference on Property Law, Portland, OR, June 16-17, 2004

Panelist, “Anatomy of a Mortgage (Part II),” ABA Annual Meeting, Atlanta, GA, August 7, 1999

“An Overview of Revised Article 9,” Missouri Bankers Association Bank Counsel Conference, Columbia, MO, November 19, 1999

“An Overview of Revised Article 9: Default Remedies,” Missouri Bar Commercial Law Committee, Jefferson City, MO, May 7, 1999

“Mortgage Acceleration and the Rhetoric of Good Faith”, Symposium on the Restatement (Third) of Property — Mortgages, Brigham Young University, Provo, UT, January 29, 1998

“Nonunanimous Amendment of Servitude Regimes and Flexibility in Community Governance,” University of Missouri-Columbia Faculty Colloquium, October 1997

“Annual Update of Missouri Law — Property,” Annual Meeting of the Missouri Bar, Springfield, MO, September 1995

“Martin Luther’s Two Kingdom Theory of Church-State Relations,” University of Missouri Christian Legal Society, December 1994

Commentator, Article 9 Filing System Reform Symposium, University of Minnesota School of Law, October 1994

Panelist, “The Bar Exam? Alternatives?,” Annual Meeting of the Missouri Bar, Kansas City, MO, September 1994

“Formalism and the Treatment of Liens Against Hotel Revenues in Bankruptcy—Implications for Real Estate Finance,” University of Missouri-Columbia Faculty Colloquium, March 1993

**BAR ADMISSIONS
AND
PROFESSIONAL
ACTIVITIES**

North Carolina, 1988 (presently inactive)
Eastern District of North Carolina, 1988
Middle District of North Carolina, 1989
U.S. Court of Appeals for the Fourth Circuit, 1989
American Bar Association
–Member, Real Property, Trusts and Estates Section
–Acquisitions and Production Editor, Books and Media
Committee (1997-2000)
–Chair, Legal Education Committee (2010-present)
–Member, Business Law Section
Association of American Law Schools
–Member, Real Property Transactions Section
–Treasurer 2007; Secretary 2008; Chair-Elect 2009, Chair,
2010; Executive Committee, 2002-03 and 2007-2011
–Member, Property Section
–Member, State and Local Government Law Section
–Member, Teaching Methods Section
American College of Real Estate Lawyers (2009-present)
–Member, Task Force on Law School Teaching
–Member, Leasing and Bankruptcy Committees

**UNIVERSITY
SERVICE**

University of Missouri School of Law
–ABA Self-Study Committee
–Chair, 1997-98; Member, 2003-04
–Policy Committee Member, 1998, 2003-04, 2005-present
–Admissions Committee
–Member, 1993-present
–Chair, 2003-present
–Dean Search Committee, 2001-02
–Colloquium Committee Chair, 1998-2000
–Technology Committee, 1999-2001
–Career Services Committee, 1994-98
–Honor Code Committee, 1992-95
–First Year Dispute Resolution Task Force, 1996-99
–Program Development Committee, 1995-96

University of Missouri (Campus)
–Campus Promotion/Tenure Advisory Committee, 2005-08
–Unit Leader, United Way Campaign, 2007-present
–UM-C Faculty Council on University Policy
–Member, 2002-04
–Executive Committee, 2002-04
–Website Editor, 2002-04
–Faculty Handbook Editor, 2002-04
–Academic Grievance Hearing Panel Member, 1997-99
–Student Grievance Panel Member, 1996-98
–Student Conduct Committee
Member, 1993-96, 2003-06
Chair, 1994-96
–Phi Beta Kappa Centennial Campaign Committee, 2001-02