

**DALE A. WHITMAN**

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Married to Marjorie Miller since 1962  
Eight children

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**Employment:**

*January 2019 to May 2019:* Visiting Professor of Law, Arizona State University, Phoenix, AZ.  
Teaching Areas: Property, Real Estate Development

*August 2017 to May 2018:* Visiting Professor of Law, Howard University School of Law,  
Washington DC. Teaching areas: Property, Land Use Planning, and Real Estate Development.

*April 2015 to May 2015:* Visiting Professor of Law, Multimedia University School of Law,  
Malacca, Malaysia. Teaching area: Consumer Law

*August 2014 to December 2014:* Visiting Professor of Law, Southern Methodist University,  
Dallas, Texas. Teaching areas: Real Estate Transactions, Commercial Real Estate Seminar

*August 2013 to May 2014:* Visiting Professor of Law, Florida A&M University, Orlando.  
Teaching areas: Property, Real Estate Finance, and Land Use Planning

*August 2012 to May 2013:* Visiting Professor of Law, University of Arkansas, Fayetteville.  
Teaching areas: Property, Land Use Planning Law, and Mortgage Crisis seminar.

*January 2012 to May 2012:* Visiting Professor of Law, University of Georgia. Teaching areas:  
Real Estate Transactions and Real Estate Development.

*January 2011 to December 2011:* Professor of Law Emeritus, University of Missouri-Columbia;  
Teaching areas: first-year Property and Real Estate Transactions.

*July 2009 to December 2010:* Associate Area Legal Counsel (Asia), The Church of Jesus Christ  
of Latter-day Saints. Served as house counsel for the Church in Hong Kong, covering fifteen  
Asian countries, dealing primarily with real estate acquisitions and employment law issues.  
(Volunteer position.)

*January 2009 to May 2009:* D & L Straus Distinguished Visitor, Pepperdine University School  
of Law; Teaching areas: Property, Advanced Real Estate Development.

*August 2009 to December 2008:* Visiting Professor of Law, South Texas College of Law; Teaching areas: Property, Advanced Real Estate Transactions.

*January 2008 to May 2008:* Visiting Professor of Law, University of Florida; Teaching areas: Property, Land Use Planning Law.

*August 2007 to December 2007:* Visiting Professor of Law, Washington University in St. Louis. Teaching areas: Property, Real Estate Transactions.

*September 1998 to August 2007:* James Campbell Professor of Law, University of Missouri-Columbia School of Law. Teaching areas: Property, Real Estate Finance Law, Land Use Planning Law.

*December 1991 to August 1998:* Professor of Law, J. Reuben Clark Law School, Brigham Young University. Taught Property, Real Estate Finance Law, Land Use Planning Law, and Advanced Real Estate Transactions.

*August 1982 - December 1991:* R. B. Price Professor of Law, University of Missouri-Columbia School of Law. Dean of School of Law, 1982-88. Taught Real Property, Real Estate Finance Law, and Land Use Planning Law.

*July-August 1989:* Visiting Professor of Law, University of Utah. Taught Real Estate Finance Law.

*September 1978 - July 1982:* Professor of Law, University of Washington. Taught Property, Real Property Security, Private Land Development, Basic Income Taxation. Associate Dean, 1978-79, 1981-82.

*September - December 1976:* Visiting Professor of Law, University of Missouri, Columbia, Missouri. Taught Real Property, Local Government.

*June - July 1976:* Visiting Professor of Law, University of Tulsa. Taught Real Estate Finance.

*August 1973 - June 1978, September - December 1979, and January - April 1989:* Professor and Visiting Professor of Law, Brigham Young University. Taught Real Property, Real Estate Finance, Land Use Planning Law.

*July 1972 - July 1973:* Senior Program Analyst, Program and Policy Division, Federal Housing Administration, U.S. Department of Housing and Urban Development. Had direct operating responsibility for the efforts of HUD to reduce real estate settlement costs, standardize conveyancing practices, and computerize land title records. Also active in the general policy-making work of this office, including the areas of home mortgage finance, housing subsidy programs, and the meeting of the national housing goals.

*June 1971 - June 1972:* Deputy Director, Office of Housing and Urban Affairs, Federal Home Loan Bank Board, Washington, D.C. Responsible for development of new programs in the areas of non-discrimination in lending, savings and loan financing of subsidized housing, and minority ownership of savings and loan associations.

*1970 - 71:* Visiting Associate Professor of Law, U.C.L.A., Los Angeles, California. Taught Real Property and Urban Planning Law courses.

*1967-70:* Assistant Professor and Associate Professor of Law, School of Law, University of North Carolina, Chapel Hill, North Carolina. Taught Real Property, Real Estate Transactions, Housing and Urban Development, Legal Problems of the Poor, and Civil Procedure.

*1968 and 1969 (Spring Semesters):* Visiting Professor of Law, North Carolina Central University, Durham, North Carolina. Taught Real Property. [This activity was in addition to regular teaching load at University of North Carolina, and was undertaken to ease the severe shortage of teachers at this historically black law school.]

*1966 - 67:* Private practice of law with the firm of O'Melveny & Myers, Los Angeles, California; emphasis on real estate development and natural resources law. Represented land developers, lenders, mineral extraction firms, and major commercial tenants.

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### **Education:**

*1963 - 66:* Duke University School of Law, Durham, North Carolina. Recipient of full tuition scholarship. Winner of the first-year moot court competition; member of national moot court team in 1965, winning national second prize. Member of editorial board, Duke Law Journal. Member, Order of the Coif. Received LL.B. in 1966, unofficially third in a class of approximately 100.

*1961 - 63:* Brigham Young University, Provo, Utah. Electrical engineering major. Received B.E.S. (5-year) degree in June 1963. Grade average 3.8 on 4.0 scale.

*1956 - 59:* Ohio State University, Columbus, Ohio. Electrical engineering major.

Attended public schools in Charleston, West Virginia through 1956.

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## **Books and Book Chapters:**

Chapter, *The Significance and Design of a National Mortgage Note Registry* (with Stephanie Heller), in Wachter & Tracy, *Principles of Housing Finance Reform* (Univ. of Pennsylvania Press 2016).

*Real Estate Transfer, Finance & Development*, Ninth Edition (with Grant S. Nelson, Wilson Freyermuth, and Ann Burkhart) (West Academic 2015). [First edition 1976; second edition 1981; third edition 1987; fourth edition 1992; fifth edition 1998; sixth edition 2003; seventh edition 2006 (all with Grant S. Nelson); eighth edition 2009.]

*Contemporary Property*, Fourth Edition (with Grant S. Nelson, Shelley Saxer & Colleen Medill) (West Academic 2013) [First edition 1996; second edition 2002; third edition 2008]

*Real Estate Finance Law*, Sixth Edition (with Grant Nelson, Ann Burkhart, and R. Wilson Freyermuth) (West Publ. Co. and West Academic, 2014). [First edition 1979 (with Professors Grant S. Nelson and George Osborne); second edition 1985 and supplement 1989; third edition 1994; fourth edition 2001; fifth edition 2007]

*Anatomy of a Mortgage* (with R. Wilson Freyermuth, John P. McNearney, & Debra P. Stark) (American Bar Ass'n 2001)

*The Law of Property*, Fourth edition 2019 (with R. Wilson Freyermuth, Ann Burkhart, and Troy Rule). Third Edition (with William B. Stoebuck) (West Publ. Co. 2000); first edition 1984, supplement 1987; second edition 1993 (both prior editions with William B. Stoebuck and Roger Cunningham.)

*Land Transactions and Finance*, Fourth Edition (with Grant S. Nelson) (West Publ. Co. "Black Letter" series, 2004). [First edition 1983; second edition 1988; third edition 1998]

*Restatement (Third) of Property (Mortgages)* (co-reporter with Grant S. Nelson) (American Law Institute, 1997). Tentative drafts published in 1991, 1992, 1994, 1995, and 1996.

*Basic Property Law*, Fifth Edition (with Roger Cunningham, Olin Browder, Grant Nelson, and William B. Stoebuck) (West Publ. Co. 1989)

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## **Articles:**

Residential Mortgage Default and the Constraints of Junior Liens, 57 U. Louisville L. Rev. 207 (2018) (with Prof. R. Wilson Freyermuth)

The New Model Negotiated Alternative to the Foreclosure Act, 32 Probate & Prop. 36 (Jan/Feb. 2018) (with Prof. R. Wilson Freyermuth).

Can Associations Have Priority over Fannie and Freddie?, 29 Probate & Prop. 27 (2016) (with Prof. R. Wilson Freyermuth)

Transferring Nonnegotiable Mortgage Notes, 11 Fla. A&M U. L. Rev. (2015)

Preventing Creditor Abuse Of Deficiency Judgments: Some Good (And Not-So-Good) Approaches (Comment on article), 72 Wash. & Lee L. Rev. Online 89 (2015)

Can Associations Have Priority over Fannie Or Freddie?, Probate and Prop., July/August, 2015, at 26 (American Bar Ass'n) (with Prof. R. Wilson Freyermuth)

What We Have Learned from the Mortgage Crisis about Transferring Mortgage Loans, 49 Real Property, Probate & Trust J. 1 (2014)

Learning from the Mortgage Crisis, Probate & Property, Jul./Aug. 2014 (American Bar Ass'n)

Fifty Years of Landlord-Tenant Law: A Perspective, 35 U.Ark.L.R.L.Rev. 785 (2013).

Foreclosing on Nothing: The Curious Problem of the Deed of Trust Foreclosure without Entitlement to Enforce the Note, 66 Ark.L.Rev. 21 (2013) (with Drew Milner)

A National Mortgage Registry: Why We Need It, and How to Do It, 45 UCC Law J. 1 (2013)

A Proposal for a National Mortgage Registry: MERS Done Right, 78 Mo.L.Rev. 1 (2013)

When is a Commission Due: Problems with Broker Listing Agreements, Probate & Property, Jan./Feb. 2013 (American Bar Ass'n) (with Roger Bernhardt)

How Negotiability Has Fouled up the Secondary Mortgage Market, and What to Do about It, 37 Pepperdine L. Rev. 737 (2010)

Teaching Property – A Conceptual Approach, 72 Mo.L.Rev.1353 (2007)

Reconstructing *Lingle*: Implications for Takings Doctrine, 40 John Marsh. L.Rev. 573 (2007)

Eminent Domain Reform in Missouri: A Legislative Memoir, 71 Mo.L.Rev. 721 (2006)

Adopting Restatement Mortgage Subrogation Principles: The Potential for Saving Billions of Dollars for Refinancing Homeowners, with Grant S. Nelson, 2006 B.Y.U. L. Rev. 305 (2006)

Redefining the Bar Examination: Notes from the Joint Working Group Conference, 74 Bar Examiner 21 (Feb. 2005)

New Directions in Mortgage Law: Restatements and Uniform Laws, 33 N.Y. Real Property L.J. 14 (Winter 2005)

Reforming Foreclosure: The Uniform Nonjudicial Foreclosure Act, 53 Duke L. J. 1399 (2004) (with Grant S. Nelson)

Transfers by Vendors of Interests in Installment Land Contracts: The Impact of Revised Article 9 of the Uniform Commercial Code, 38 Real Prop., Prob. & Trust J. 421 (2003).

Are We There Yet? The Case for a Uniform Electronic Recording Act, 24 W. N.Eng. L. Rev. 245 (2002).

Chinese Mortgage Law: An American Perspective, 15 J. Asian L.35 (2001).

Digital Recording of Real Estate Documents, 32 John Marshall L.Rev. 227 (1999).

Negotiating and Drafting Mortgages: Lessons from the Restatement, 33 Real Property, Probate & Trust J. 415 (1998)

Reforming the Law: The Payment Rule as a Paradigm, 1998 B.Y.U. L. Rev. 1169 (1998).

Rethinking Future Advance Mortgages: A Brief for the *Restatement* Approach, 44 Duke L.J. 657 (1995) (with Grant S. Nelson).

Mortgage Prepayment Clauses: An Economic and Legal Analysis, 40 U.C.L.A. L. Rev. 851 (1993).

Installment Land Contracts - The National Scene Revisited, 1985 B.Y.U.L. Rev. 1(1985).

Book Review: *Modern Property Law: Cases and Materials*, by Bruce, Ely & Bostick, 38 Vanderbilt L. 1.237 (1985).

Congressional Preemption of Mortgage Due-on-Sale Clauses: Section 341 of the Garn-St. Germain Act, 35 Hastings L.3. 241(1983).

Secrecy and Real Property, 27 American U. L.Rev. 251(1978).

Financing Condominiums and Cooperatives, 14 Tulsa L.J. 15 (1978).

The Installment Land Contract – A National Viewpoint, 1977 B.Y.U.L. Rev. 541(1977) (with Professor Grant Nelson).

Federal Housing Subsidy Programs: Old Problems and New Directions, 9 *The Urban Lawyer* I (Winter 1977).

The Real Estate Settlement Procedures Act: How to Comply—Problems and Prospects, 4 *Real Estate L.J.* 223 (Winter 1976).

The Design of Videotape Systems for Legal Education, 1975 *B.Y.U.L. Rev.* 529 (with Professor Gerald R. Williams).

Home Transfer Costs: An Economic and Legal Analysis, 62 *Georgetown Law Journal* 1311 (1974).

Optimizing Land Title Assurance Systems, 42 *George Washington L. Rev.* 40 (1973).

Book Review: *Urban Planning and Control Law* by Donald Hagman, 20 *U.C.L.A. L. Rev.* 655 (1973).

Financial Institutions Have An Expanding Role in Revitalizing Cities, 29 *Journal of Housing* 183 (1972) (with Robert P. Sangster).

Rehabilitation of Housing: The Role of Savings and Loan Associations, 4 *Federal Home Loan Bank Board Journal* 26 (August 1971).

Transferring North Carolina Real Estate: Part I: How the Present System Functions, 49 *North Carolina L. Rev.* 413 (1971).

Transferring North Carolina Real Estate: Part II: Roles, Ethics, and Reform, 49 *North Carolina L. Rev.* 593 (1971).

Book Review, *The Zoning Dilemma* by Daniel R. Mandelker, 1971 *Washington University L. Rev.* 133 (1971).

Book Review, *City Planning and Politics* by Francene Rabinovitz, 3 *The Urban Lawyer* 168 (1971).

Survey of Recent Developments in the North Carolina Law of Eminent Domain, 48 *North Carolina L. Rev.* 767 (1970).

Defending the Low-Income Tenant in North Carolina, 2 *North Carolina Central L. J.* 21 (1970).

Conflict of Spousal Immunity Laws: The Legislature Takes a Hand, 46 *North Carolina L. Rev.* 506 (1968).

Competing Security Interests in Fixtures, 42 Los Angeles Bar Bulletin 403 (1967).

International Conflict of Laws: Limitations Imposed on Effect American Courts May Give to Foreign Confiscations, 1966 Duke L. J. 828 (1966) (student note).

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**Professional Activities and Honors:**

Admitted to the California and Utah Bars; member of the American Bar Association

Fellow of the American Bar Foundation

Member, American Law Institute; Co-reporter, *Restatement (Third) of Property (Mortgages)* (with Professor Grant S. Nelson), 1989-1997

Reporter for drafting committee, *Uniform Nonjudicial Foreclosure Act*, National Conference of Commissioners on Uniform State Laws, 1999-2002.

Member, American College of Real Estate Lawyers; Member, Board of Governors, 2000-2003.

Member, American College of Mortgage Attorneys

Member, Joint Editorial Board for Uniform Real Property Acts, National Conference of Commissioners on Uniform State Laws, 1997-present.

President, Association of American Law Schools, 2002. Member, Executive Committee, Association of American Law Schools, 1994-97 and 2001-2003. Formerly member of numerous other AALS committees, including Libraries, Annual Meeting and Membership Review Committees; Chair, Membership Review Committee (2000).

Formerly member of various committees of the Law School Admissions Council, including Publications, Committee, Financial Services Committee, Test Development and Research Committee, and Legal Affairs Committee

Chair or member of approximately 25 American Bar Association law school site evaluation teams

Chair, Law School Committee, The Missouri Bar, 1990-91

Public Member, Missouri Real Estate Committee, 1988-1991

Consultant to US Agency for International Development (through ARD-Checchi Rule of Law Project) on development of legal education in the former Soviet Union, 1995-97. Worked with law schools in St. Petersburg and Ekaterinburg, Russia, and Yerevan, Armenia, and with the Russian law schools association.



Formerly consultant to U.S. Department of Housing & Urban Development and to numerous state government agencies.

## **Dale A. Whitman Brief Biography**

Dale A. Whitman is the former James Campbell Professor of Law at the University of Missouri in Columbia MO, where he retired in 2007. He received his B.E.S. degree in Electrical Engineering from Brigham Young University in 1963 and his law degree from Duke University in 1966. After practicing for a short period with the firm of O'Melveny and Myers in Los Angeles, Whitman began his academic career at the University of North Carolina in 1967.

He was a member of the original faculty when the Brigham Young University law school was founded in 1973. He was subsequently a faculty member at the University of Washington and the University of Missouri-Columbia (where he served as dean from 1982 to 1988). He has also been a visiting professor at Arizona State University, Howard University, Southern Methodist University, University of Arkansas, Florida A&M University, University of Georgia, Pepperdine University, University of Florida, South Texas Law School, Washington University in St. Louis, the University of Tulsa, the University of Utah, and UCLA. During 2009-2010, Whitman served as Associate Area Legal Counsel for Asia for the Church of Jesus Christ of Latter-day Saints, where he dealt with the church's legal issues in 15 Asian countries.

Whitman's principal fields of interest are property and real estate finance. He is a co-author of five books and numerous articles in these areas. During 1971-73 he was involved with the nation's federal housing programs, serving in Washington DC with the Federal Home Loan Bank Board and the Department of Housing and Urban Development.

Whitman was a member of the Executive Committee of the Association of American Law Schools from 1994 through 1997, and was its president for the year 2002. He was a co-reporter for the Restatement (Third) of Property (Mortgages), published in 1997, and reporter for the Uniform Power of Sale Foreclosure Act, approved in 2002 by the Commissioners on Uniform Laws. He is a member of the Order of the Coif, the American Law Institute, the American College of Mortgage Attorneys, and the American College of Real Estate Lawyers, and is a Fellow of the American Bar Foundation.