

II. BACKGROUND

2. Guardian Fidelity was placed in receivership in this proceeding on July 11, 2008. The Court entered a Permanent Injunction and Order Appointing Permanent Receiver on July 11, 2008 appointing the Texas Commissioner of Insurance as Permanent Receiver. The Receiver designated Cantilo & Bennett, L.L.P., as SDR of Guardian Fidelity effective as of September 15, 2008.

3. The Special Deputy Receiver is authorized to file this Application pursuant to TEX. INS. CODE ANN. §443.151, which provides that the SDR is to conduct the business of the estate. The subject matter of this Application has been referred to the Special Master appointed in this proceeding in accordance with Paragraph III of the Order of Reference to Master entered on August 22, 2008.

III. RELIEF SOUGHT

4. TRCP 21a governs methods of service. It expressly states that, in addition to service by mail or fax, notice may be provided by “such other manner as the court in its discretion may direct.”

5. The SDR moves the Court to order all parties at interest filing any pleading, plea, motion, application to the court for an order, notices and any other matter required to be served in this case to serve them by email. The SDR proposes that it, through its undersigned counsel, maintain email addresses for all parties at interest and parties requesting notice in this case. The SDR shall be responsible for providing a copy of this Court’s Order regarding service and the current list of email addresses to all parties upon their appearance.

6. To the extent that a party at interest, party requesting notice or any other individual or entity seeking to file in this Receivership Proceeding cannot provide service by email or deems it necessary to use an alternative method of service, it may file a motion for leave of court seeking to use some other authorized method of service at the time it files the document with the Court.

7. Email service will allow the estate and all interested parties to save money on postage. It

should provide for more timely and efficient delivery of pleadings and documents and will enable parties to be sure of their delivery and receipt.

8. Pursuant to TEX. INS. CODE ANN. §443.007, the SDR shall require that any person or entity currently on the Service List for this estate to confirm that they desire to remain on the Service List and to provide an email address for future service.

IV. NOTICE

9. The SDR has served this application to all known parties at interest by regular mail, email, fax, hand delivery and/or overnight delivery.

V. OFFER OF PROOF AND VERIFICATION

10. This Application has been verified as required by the Texas Rules of Civil Procedure by the affidavit and certification pursuant to TEX. INS. CODE §443.017(b) by Michael Marcin, on behalf of Cantilo & Bennett, L.L.P., Special Deputy Receiver (“SDR”) of Guardian Fidelity Title Company, Ltd., Guardian Fidelity Title Company CLR, LLP, Guardian Fidelity Title Company NWR, LLP, Guardian Fidelity Title Company KTB, Ltd., Guardian Fidelity Title Company SB, Ltd., Guardian Fidelity Title Company DFT, Ltd. (“Guardian Fidelity”).

PRAYER

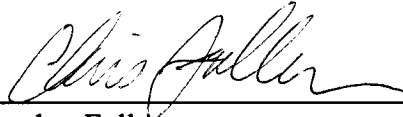
WHEREFORE, PREMISES CONSIDERED, the Special Deputy Receiver respectfully requests that this Court:

1. grant this Application;
2. order that all parties at interest and parties requesting notice provide to the undersigned counsel to the SDR its email address;
3. order that all parties at interest and parties requesting notice serve all pleadings, pleas,

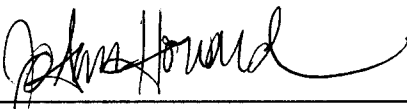
motions, applications to the court for an order, notices and any other matter required to be served by email;

4. order that the SDR, by the undersigned counsel, maintain a current list of email addresses for all parties and provide said list to all new parties;
5. order the SDR to post on its website all documents filed in this receivership proceeding; and
6. grant the SDR such other and further relief to which it may be justly entitled.

Respectfully submitted,

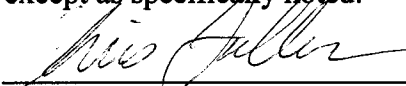
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And

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CERTIFICATE OF SERVICE

I certify that on November 3, 2008 a true and correct copy of this Application was served pursuant to the Order of Reference, the Texas Rules of Civil Procedure and TEX. INS. CODE ANN. SEC. 443.007(d) on the following by regular mail, except as specifically noted.



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**SPECIAL DEPUTY RECEIVER'S CERTIFICATION PURSUANT TO TEX. INS.CODE
ANN. §443.017(b)
AFFIDAVIT OF MICHAEL MARCIN**

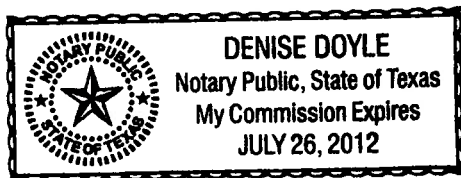
State of Texas
County of Travis

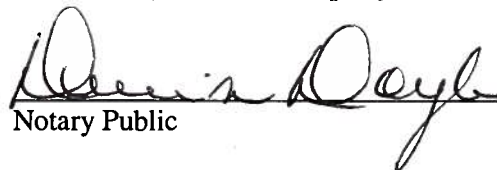
BEFORE ME, the undersigned authority appeared Michael Marcin, who after being by me duly sworn, stated the following under oath:

1. "My name is Michael Marcin. I am competent to make this affidavit. The statements of fact set forth herein are true and correct, and are within my personal knowledge.
2. "I am duly authorized by Cantilo & Bennett, L.L.P., Special Deputy Receiver ("SDR") of Guardian Fidelity Title Company, Ltd., Guardian Fidelity Title Company CLR, LLP, Guardian Fidelity Title Company NWR, LLP, Guardian Fidelity Title Company KTB, Ltd., Guardian Fidelity Title Company SB, Ltd., Guardian Fidelity Title Company DFT, Ltd. ("Guardian Fidelity") to make this Certification and Affidavit on behalf of the SDR.
3. "I further state that I have read the statements contained in the attached Application and that they are true and correct based on my personal knowledge, my review of estate records and my consultation with my staff and sub-contractors.
4. "Further affiant sayeth not."

By: 
Michael Marcin

SUBSCRIBED AND SWORN TO BEFORE ME on November 3, 2008, by Michael Marcin, on behalf of Cantilo & Bennett, L.L.P., Special Deputy Receiver of Guardian Fidelity Title Company, Ltd., Guardian Fidelity Title Company CLR, LLP, Guardian Fidelity Title Company NWR, LLP, Guardian Fidelity Title Company KTB, Ltd., Guardian Fidelity Title Company SB, Ltd., Guardian Fidelity Title Company DFT, Ltd. in receivership.




Notary Public

APPLICANT'S NOTICE OF SUBMISSION

Pursuant to the terms of the Order of Reference to Master entered by the District Court in this cause, the Special Deputy Receiver's Application for Electronic Service is set for written submission before the Special Master, Tom Collins, on November 17, 2008.

The Special Master has asked that the following rules be provided you:

1. Any objection must be filed with the Travis County District Clerk at least three (3) calendar days before the submission date.
2. A copy of any objection shall be served by such date on:
 - (a) The Special Master's Docket Clerk, Ms. Jean Sustaita, Texas Department of Insurance, (**Hand Delivery**) 333 Guadalupe, Hobby Tower III, 5th Floor, Room 540-A, Austin, Texas; or (**Mail To**) P.O. Box 149104 (MC 305 1-D), Austin, Texas 78714-9104.
 - (b) All interested parties, including those listed on the Applicant's Certificate of Service.
3. The objecting party shall coordinate with opposing counsel and the Docket Clerk [(512)463-6450] to obtain an oral hearing setting for argument on the Application and Objection, and complete and attach an "Objecting Party's Notice of Oral Hearing" to the objection.
4. The written objection must specifically list all reasons for objection with supporting references to and discussion of statutory and case authorities. Reasons not stated in writing will not be considered orally.
5. Failure to file timely a written objection before the Special Master constitutes a waiver of the right to object to the Special Master's recommendation to the District Court.
6. Any Acknowledgment of Notice and Waiver to be filed by the Guaranty Association or other interested party should be filed at least three (3) calendar days before the submission or hearing date.