

NO. D-1-GV-08-001478

<b>THE STATE OF TEXAS,</b>	§	<b>IN THE DISTRICT COURT OF</b>
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	
	§	
<b>Guardian Fidelity Title Company, Ltd.,</b>	§	<b>TRAVIS COUNTY, TEXAS</b>
<b>Guardian Fidelity Title CLR, LLP,</b>	§	
<b>Guardian Fidelity Title NWR, LLP,</b>	§	
<b>Guardian Fidelity Title KTB, Ltd.,</b>	§	
<b>Guardian Fidelity Title SB Ltd., and</b>	§	
<b>Guardian Fidelity Title DFT, Ltd.</b>	§	
	§	
<b>Defendants.</b>	§	<b>419th JUDICIAL DISTRICT</b>

**APPLICATION FOR APPROVAL OF THIRD CLAIMS REPORT  
AND DISTRIBUTION OF ESCROW FUNDS TO APPROVED ESCROW CLAIMANTS**

**TO THE HONORABLE DISTRICT COURT:**

CANTILO & BENNETT, L.L.P., solely in its capacity as the Special Deputy Receiver (“SDR”) of Guardian Fidelity Title Company, Ltd., et al.,<sup>1</sup> (“Guardian”), files this Application for Approval of Third Claims Report and Distribution of Escrow Funds to Approved Escrow Claimants (the “Application”).

**I. INTRODUCTION**

1.1 The SDR presents for approval its third report on the determination of certain escrow account claims and general creditor claims pursuant to Texas Insurance Code Annotated section 443.258. The third report covers those proofs of claim (“POC”s) identified on the attached Exhibits 1 through 7 listing the claimant, the amount sought and/or approved, the proof of claim (“POC”)

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<sup>1</sup> Guardian Fidelity Title Company, Ltd., Guardian Fidelity Title CLR, LLP, Guardian Fidelity Title NWR, LLP, Guardian Fidelity Title KTB, Ltd., Guardian Fidelity Title SB Ltd., and Guardian Fidelity Title DFT, Ltd., each and collectively in liquidation.

number and, if applicable, the Guardian guaranty file (“GF”) number. This Application does not seek any relief relating to any claim not listed on Exhibit 1 through 7.

1.2 The SDR is authorized to file this Application pursuant to Texas Insurance Code Annotated section 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.

## **II. BACKGROUND**

2.1 Guardian was placed in receivership in this proceeding on July 11, 2008. The Court entered an Agreed Order Appointing Liquidator and Permanent Injunction (“Receivership Order”) on July 11, 2008, appointing the Commissioner of Insurance for the State of Texas as Liquidator and Permanent Receiver (“Receiver”). The Receiver designated CANTILO & BENNETT, L.L.P., as SDR of Guardian through a Notice of Designation of Special Deputy Receiver filed on October 2, 2008, and made effective as of September 15, 2008.

2.2 Guardian, as defined herein, consists of six entities in receivership, all of which operated as title insurance agents, as that term is defined in Texas Insurance Code Annotated section 2501.003(13), with offices in Webster, Houston, Spring, Katy, Friendswood, and Sugar Land, Texas. Guardian acted as an agent for several solvent title insurance companies; Southern Title Insurance Company (“Southern”) wrote the predominant share of these policies. The relevant title insurance companies continue to process and pay claims on title insurance policies issued by Guardian. As title insurance agents, the Guardian entities were not required to and did not maintain reserves or reinsurance. Initial administration of the receivership estate was financed through an operating account, which has been depleted. Further administration of the estate has been financed by loans by

the Texas Department of Insurance from the Abandoned Property Fund in accordance with Texas Insurance Code Annotated section 443.304(c) and by funds paid to the estate pursuant to a Consent Order with Southern Title Insurance Company.

2.3 Guardian, as a title agent, maintained a number of escrow accounts (the “Escrow Accounts”). The SDR believes that the Escrow Accounts are intact and correspond to an audit conducted by the Texas Department of Insurance prior to receivership and Guardian’s financial records. The SDR has confirmed the existence of the funds in the Escrow Accounts and safeguarded the accounts by notifying the financial institutions of the liquidation and freezing all such assets. The Escrow Accounts are not general assets of the estate under Texas Insurance Code Annotated section 443.004(9)(a)(i).

2.4 On July 6, 2009, this Court entered its Order Granting the Special Deputy Receiver Application to Provide Notice of Liquidation, Set Claims Filing Deadline, Resolve Escrow Accounts and Establish a Claims Processing Procedure (the “POC Order”) establishing August 31, 2009, as the deadline to file all claims, including Escrow Account claims, and a deadline of September 30, 2009, for filing any late claims and for all contingent or unliquidated claims under Texas Insurance Code Annotated section 443.255(c) to become final.

2.5 The POC Order required parties claiming funds held in Guardian’s Escrow Accounts to file claims with the SDR. On the date that the POC Order was entered, the SDR held approximately 650 escrow accounts, which ranged in size from over \$200,000 to \$.01 (one cent). There were over 1300 known potential claimants to the escrow accounts. The Guardian estate lacked sufficient financial resources and business records to make any independent determination regarding the actual ownership of or right to possess the Escrow Funds. Accordingly, the SDR was authorized to require claimants to the escrow funds to file a claim establishing an entitlement to funds held in an

Escrow Account and further authority to process claims to the escrow accounts to efficiently conclude the administration of the receivership estate.

2.6 As of the date of this Application, the SDR has not identified any Escrow Account shortages. The Texas Title Insurance Guaranty Association (“TTIGA”) has not been designated as an impaired agent under Texas Insurance Code Annotated section 443.003 and no obligations under Chapter 2602 of the Code have been triggered.

2.7 A total of 164 POCs, including 114 claims explicitly seeking Escrow Account funds (“Escrow Account POCs”) were filed in the Guardian estate. All but five claims were postmarked prior to the claims filing deadline. Late filed Escrow Account POCs will be considered timely if no other claim has been received for the specific escrow account funds sought.

2.8 The Court approved the SDR’s First Report of Claims regarding the determination of thirty-seven (37) Escrow Account POCs on April 14, 2010. On July 20, 2010, the Court approved the SDR’s Second Report of Claims regarding the determination of 58 total POCs including escrow and non-escrow claims.

2.9 This Application seeks relief only as to those POCs identified in the attached exhibits and seeks no relief relating to any other POC.

### **III. RELIEF SOUGHT**

#### **A. Approval of Second Claims Reports**

3.1 Section 443.258 of the Code requires the SDR to file reports with the Court regarding claims that have been settled or determined under Texas Insurance Code Annotated section 443.253, and states as follows:

LIQUIDATOR’S RECOMMENDATIONS TO RECEIVERSHIP COURT. The liquidator shall present to the receivership court, for approval, reports of claims settled or determined by the liquidator under section 443.253. The reports must be

presented from time to time as determined by the liquidator and must include information identifying the claim and the amount and priority class of the claim.

Section 443.258 applies to claims processed under Texas Insurance Code Annotated section 443.253.

The POC Order authorized the SDR to process escrow accounts claims pursuant to the provisions governing the processing of unsecured claims.

3.2 The SDR submits its Third Report of Claims regarding reflecting the SDR's determination of the POCs identified in Exhibits 1 through 7, and requests that the Receivership Court approve the report. Exhibit 1 identifies approved Escrow Claims, listing the claimant's name, amount approved and the POC and GF numbers. Exhibit 2 identifies Escrow Claims which have been approved in part and denied in part, listing the claimant's name, amount approved and the POC and GF numbers. Exhibit 3 identifies claims that have been denied as an Escrow Claim and reclassified as having a below class 1 priority, listing the claimant's name, amount sought and the POC and GF numbers. Exhibit 4 identifies Escrow Claims that have been denied because they were previously paid or withdrawn by agreement. Exhibit 5 identifies Escrow Claims that have been declared moot by Receivership Court Order. Exhibit 6 identifies an Escrow Claim that was withdrawn as a duplicate. Exhibit 7 identifies Escrow Claims that have been withdrawn pursuant to a settlement agreement with the estate. Texas Insurance Code Annotated section 443.253(k) and the POC Order provide that the SDR "is not required to process claims for any class until it appears reasonably likely that property will be available for a distribution to that class." Each of the claimants identified in this Third Report have been notified in writing of its determination of the amount and classification of their claims pursuant to Texas Insurance Code Annotated section 443.253, and all deadlines to appeal the SDR's determination of these POCs have expired.

3.3 The relief sought in this Application does not include all remaining claims (29), including the remaining Escrow Account POCs (28). The POC Order provided that, in the event of conflicting claims to the escrow funds and a failure of the claimants to agree to alternate arrangements, the SDR was authorized to interplead them into the registry of the Receivership Court. The SDR further reserves the right to hold payments to approved Escrow Claims and interplead such payments, in the event, in the SDR's sole and absolute discretion, that there are conflicting claims to any approved payment.

**B. Application to Distribute Funds to Approved Escrow Claimants - Exhibits 1 and 2**

3.4 The SDR requests authority from the Receivership Court to distribute escrow funds to approved escrow account claimants who are identified on Exhibits 1 and 2 in the amounts reflected on the exhibits. Distribution is authorized pursuant to Texas Insurance Code Annotated sections 443.260 and 303. Distribution of the funds will reduce the costs to administer the estate.

**IV. NO IMPAIRMENT AND NO WAIVER**

4.1 Although Guardian is insolvent, no covered claims have been identified as of the date of this application and TTIGA has not been triggered. The SDR does not want to inadvertently trigger any obligation of TTIGA by the relief sought in this Application. The SDR requests that the Court order that, in the event any action by the SDR and/or Receivership Court results in a shortage to an escrow account, the shortage shall not be considered a covered claim as that term is defined in Texas Insurance Code Annotated section 2602.252.

4.2 Nothing in this Application or any related proceeding or filing shall affect, in any way, the Receiver's or the SDR's immunities from suit and shall not give rise to any right to sue or create any causes of action against the Receiver or the SDR. The relief sought herein shall not affect, in any way, the Receiver's or the SDR's immunities from suit and shall not give rise to any right to

sue or create any causes of action against the Receiver or the SDR. The automatic stay and the provisions of the Receivership Order remain in effect unless expressly modified herein.

## **V. NOTICE**

5.1 Pursuant to Texas Insurance Code Annotated section 443.007(d), this Application has been served on the entire service list for this proceeding and TTIGA in the manner shown on the Certificate of Service. The SDR has posted all notices, claims filing information, POC forms and other relevant information relating to the POC process, including this Application, on the SDR's web site at [www.guardianfidelitysdr.com](http://www.guardianfidelitysdr.com). The SDR reserves the right to issue additional notice if, in its sole discretion with approval from the Receiver, it finds there is need for additional notice.

## **VI. OFFER OF PROOF AND VERIFICATION**

6.1 This Application has been verified as required by the Texas Rules of Civil Procedure by the affidavit and certification pursuant to Texas Insurance Code Annotated section 443.017(b) by Michael P. Marcin, Partner in CANTILO & BENNETT, L.L.P., solely in its capacity as the Special Deputy Receiver.

## **VII. NOTICE OF ELECTRONIC SERVICE REQUIREMENT**

7.1 Pursuant to the Order Granting SDR's Application to Use Electronic Service of Pleadings and Notices entered on November 24, 2008, all pleadings filed in response to this Application or in regards to this estate shall be served by e-mail on the undersigned counsel and all parties shown in the attached Certificate of Service.

## **PRAYER**

WHEREFORE, PREMISES CONSIDERED, CANTILO & BENNETT, L.L.P., solely in its capacity as the 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., and Guardian Fidelity Title Company DFT, Ltd. respectfully requests that this Court:

1. Grant this Application;
2. Approve the SDR's Third Report of Claims as identified on Exhibits 1 through 7;
3. Authorize the SDR to distribute the funds held in escrow to each escrow claimant whose claim is approved by the Receivership Court;
4. Authorize the SDR to hold payments to approved Escrow Claims and interplead such payments, in the event, in the SDR's sole and absolute discretion, that there are conflicting claims to any approved payment.
5. Discharge and release the Receiver, the SDR, and the receivership estate from any and all liability regarding the distributed Escrow Accounts and the approved paid Escrow Account claims following distribution;
6. In the event that any action by the SDR and/or Receivership Court results in a shortage to an escrow account, the shortage shall not be considered a covered claim as that term is defined in Texas Insurance Code Annotated section 2602.252;
7. Rule that approval of this Application constitutes a final judgment fully resolving all issues relating to the Application, provided that this Court shall retain jurisdiction to issue further orders pursuant to Texas Insurance Code Annotated Chapter 443 and further ruling that the Court's Order shall not affect, in any way, the Receiver's or the SDR's immunities from suit and shall not give rise to any right to sue or create any causes of action against the Receiver or the SDR;
8. Rule that the automatic stay and the provisions of the Receivership Order remain in effect unless expressly modified herein and further rule that the Order does not amend, modify, or in

any manner change or affect the terms and provisions of the POC Order except as expressly set out herein; and

9. Grant the SDR such other and further relief to which it may be justly entitled.

Respectfully submitted,

By: Christopher Fuller \_\_\_\_\_

Christopher Fuller

Texas Bar No. 07515500

4612 Ridge Oak Drive

Austin, Texas 78731

(512) 470-9544

(512) 374-0957 Fax

[cfuller@fullerlaw.org](mailto:cfuller@fullerlaw.org)

Attorney for CANTILO & BENNETT, L.L.P.,

Solely in its Capacity as the Special Deputy Receiver  
of Guardian Fidelity Title Company, Ltd., et al.

**CERTIFICATE OF SERVICE**

I certify that on September 20, 2010, a true and correct copy of this Application for Approval of Third Claims Report and Distribution of Escrow Funds to Approved Escrow Claimants was served pursuant to the Order of Reference, the Court's order on e-service, the Texas Rules of Civil Procedure, and Texas Insurance Code Annotated section 443.007(d) on the following by electronic mail, except as specifically noted.

Christopher Fuller  
Christopher Fuller

Tom Collins, Special Master  
c/o Ms. Jean Sustaita  
P.O. Box 149104  
Mail Code 305-1D  
Austin, Texas 78701  
[Jean.Sustaita@tdi.state.tx.us](mailto:Jean.Sustaita@tdi.state.tx.us)

Burnie Burner  
Texas Title Insurance Guaranty Association  
Mitchell, Williams, Selig, Gates & Woodyard, PLLC  
P.O. Box 2212  
106 E. Sixth Street, Suite 300  
Austin, Texas 78768-2212  
[bburner@mws gw.com](mailto:bburner@mws gw.com)

Bruce McCandless III  
Texas Title Insurance Guaranty Association  
Mitchell, Williams, Selig, Gates & Woodyard, PLLC  
P.O. Box 2212  
106 E. Sixth Street, Suite 300  
Austin, Texas 78768-2212  
[bmccandless@mws gw.com](mailto:bmccandless@mws gw.com)

Robert A. Kouts  
Attorney for Southern Title Insurance Co.  
Scheinthal & Kouts, LLP  
4635 Southwest Freeway, Suite 720  
Houston Texas 77027  
(713) 871-8040  
(713) 871-8642 Fax  
[rkouts@sk-llp.com](mailto:rkouts@sk-llp.com)

Brian D. Womac  
Attorney for Keppel Houston Group, LLC  
Womac & Associates  
Two Memorial City Plaza  
820 Gessner, Suite 1540  
Houston, Texas 77024  
(713) 751-9200  
(713) 751-0808 Fax

Joshua Godbey  
Assistant Attorney General  
Financial Litigation Division  
P.O. Box 12548  
Austin, Texas 78711-2548  
(512) 477-2348 Fax  
[joshua.godbey@oag.state.tx.us](mailto:joshua.godbey@oag.state.tx.us)

William T. Green  
11 Greenway Plaza, Suite 2820  
Houston, Texas 77046  
(713) 961-0883 Fax  
[uncbill@msn.com](mailto:uncbill@msn.com)

Mark D. Humphrey, Houston Area President  
Prosperity Bank  
100 Medical Center Blvd.  
Webster, Texas 77598  
(281) 338-1885 Fax

Ron Opper  
Opper & Gambrell, PLLC  
8582 Katy Freeway, Suite 200  
Houston, Texas 77024  
(713) 468-6111  
(713) 468-6101 Fax

Gerald S. Siegmyer  
Siegmyer, Oshman & Bissinger, LLP  
2777 Allen Parkway, Tenth Floor  
Houston, Texas 77019  
(713) 524-4102 Fax  
[gsiegmyer@bizlawhouston.com](mailto:gsiegmyer@bizlawhouston.com)

William H. Rearick  
Vice President/Lending Officer  
Moody National Bank of Friendswood  
408 West Parkwood  
Friendswood, Texas 77546  
(281) 992-7776 x.6690  
[wrearick@moodybank.com](mailto:wrearick@moodybank.com)

David M. Scott  
Zimmerman, Axelrad, Meyer, Stern & Wise, PC  
3040 Post Oak Boulevard, Suite 1300  
Houston, Texas 77056-6560  
(713) 552-1234  
(713) 963-0859 Fax  
[dscott@zimmerlaw.com](mailto:dscott@zimmerlaw.com)

Michael J. Smith  
Chernosky, Smith, Ressler & Smith, PLLC  
4646 Wild Indigo, Suite 110  
Houston, Texas 77027  
(713) 800-8608  
(713) 800-8609 Fax  
[msmith@csrslaw.com](mailto:msmith@csrslaw.com)

Ryan Colburn, President  
Regions Bank Houston  
5005 Woodway, Suite 350  
Houston, Texas 77056  
[ryan.colburn@regions.com](mailto:ryan.colburn@regions.com)

Kenneth Green  
Snow Fogel Spence, LLP  
2929 Allen Parkway, Suite 4100  
Houston, Texas 77019  
(713) 335-4830  
(713) 335-4930 Fax  
[kennethgreen@snowfogel.com](mailto:kennethgreen@snowfogel.com)

Peter A. Nolan  
Winstead PC  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701  
(512) 370-2800  
(512) 370-2850 Fax  
[pnolan@winstead.com](mailto:pnolan@winstead.com)

Gary Zausmer  
Winstead PC  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701  
(512) 370-2800  
(512) 370-2850 Fax  
[gzausmer@winstead.com](mailto:gzausmer@winstead.com)

Texas Workforce Commission  
Regulatory Enforcement Division  
101 East 15th Street  
Austin, Texas 78778-0001

Internal Revenue Service  
Special Procedures Branch  
P.O. Box 250  
300 East 8th Street, Suite 352, Mail Stop 5022A  
Austin, Texas 78701

Angel Garrett  
Texas Department of Insurance  
Financial/Rehabilitation & Liquidation Oversight Division  
333 Guadalupe, Mail Code 305-1D  
Austin, Texas 78701  
[Angel.Garrett@tdi.state.tx.us](mailto:Angel.Garrett@tdi.state.tx.us)

Rachel Giani  
Texas Department of Insurance  
Financial/Rehabilitation & Liquidation Oversight Division  
333 Guadalupe Mail, Code 305-1D  
Austin, Texas 78701  
[Rachel.Giani@tdi.state.tx.us](mailto:Rachel.Giani@tdi.state.tx.us)

Leanne Layne  
Texas Department of Insurance  
Financial/Rehabilitation & Liquidation Oversight Division  
333 Guadalupe, Mail Code 305-1D  
Austin, Texas 78701  
[Leanne.Layne@tdi.state.tx.us](mailto:Leanne.Layne@tdi.state.tx.us)

John Walker  
Texas Department of Insurance  
Financial/Rehabilitation & Liquidation Oversight Division  
333 Guadalupe, Mail Code 305-1D  
Austin, Texas 78701  
[John.Walker@tdi.state.tx.us](mailto:John.Walker@tdi.state.tx.us)

Jemie Russell  
Texas Department of Insurance  
Financial/Rehabilitation & Liquidation Oversight Division  
333 Guadalupe, Mail Code 305-1D  
Austin, Texas 78701  
[Jemie.Russell@tdi.state.tx.us](mailto:Jemie.Russell@tdi.state.tx.us)

Michael P. Marcin, Esq.  
CANTILLO & BENNETT, L.L.P.  
Special Deputy Receiver  
11401 Century Oaks Terrace, Suite 300  
Austin, Texas 78758  
[mpmarcin@cb-firm.com](mailto:mpmarcin@cb-firm.com)

## 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 SDR's *Application for Approval of Third Claims Report and Distribution of Escrow Funds to Approved Escrow Claimants* (the "Application") is hereby set for written submission before the Special Master, Tom Collins, on October 4, 2010.

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 e-mail** by such date on:
  - (a) The Special Master's Docket Clerk, Ms. Jean Sustaita at [Jean.Sustaita@tdi.state.tx.us](mailto:Jean.Sustaita@tdi.state.tx.us);
  - (b) The undersigned counsel, Christopher Fuller, at [cfuller@fullerlaw.org](mailto:cfuller@fullerlaw.org); and
  - (c) All interested parties, including those listed on the Applicant's Certificate of Service.
3. 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.
4. If a matter is set for submission, an objecting party shall expeditiously coordinate with Applicant's counsel and the Master's Docket Clerk [(512) 463-6450] to obtain an oral hearing, unless the Master determines that an oral hearing is not necessary. The objecting party shall serve a Notice of Oral Hearing on Applicant's counsel and all interested parties, including those listed on the Applicant's Certificate of Service.
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.

Christopher Fuller  
Christopher Fuller

EXHIBIT 1 - 7 THIRD CLAIMS REPORT

**EXHIBIT 1 - APPROVED ESCROW CLAIMS**

<b>CLAIMANT NAME</b>	<b>AMOUNT APPROVED</b>	<b>POC #/GF NUMBER</b>
1. Laurie Roth	\$154.37	GUARD0042/2007055923R
2. JORYCO, LLC	\$1,000.00	GUARD0045/2007076329R
3. Steven Ginsberg	\$1,000.00	GUARD0067/2006072841
4. Dorene Callaway	\$1,000.00	GUARD0072/2006031678
5. Gary Becker	\$100.00	GUARD0080/2006021396RR
6. Eula M. English	\$500.00	GUARD0118/2008061617R
7. William S. & Suzin K. Lucas	\$200.00	GUARD0159/2008041145
8. Ken Christie	\$6,481.27	GUARD0160/200707660R

EXHIBIT 1 - 7 THIRD CLAIMS REPORT

**EXHIBIT 2 - POCS APPROVED IN PART AS ESCROW CLAIMS  
AND IN PART DENIED AS TO THE REMAINDER**

<b>CLAIMANT NAME</b>	<b>DISPOSITION</b>	<b>POC #/GF NUMBER</b>
1. Candlewood Homes, Inc.	\$199.23 Amount Approved	GUARD0005/2008051307
	\$125.00 Amount Denied	
2. Kathy D. Henry	\$250.00 Amount Approved	GUARD0041/2007086856
	\$250.00 Amount Denied per Agreement	
3. Perla Medrano Gallegos	\$250.00 Amount Approved	GUARD0084/2007086856
	\$250.00 Amount Denied per Agreement	

EXHIBIT 1 - 7 THIRD CLAIMS REPORT

**EXHIBIT 3 - DENIED AS AN ESCROW CLAIM AND**  
**RECLASSIFIED AS BELOW CLASS 1 PRIORITY**

<b>CLAIMANT NAME</b>	<b>AMOUNT DENIED</b>	<b>POC #/GF NUMBER</b>
1. Distinct Stone, Inc.	\$1,500.00	GUARD0004
2. JLE Investors, Inc. d/b/a Associated Mortgage Investors	\$730.03	GUARD0019/2005011590RR
3. Precision Surveying	\$378.88	GUARD0071/F022008030930
4. Marquitta Patterson	\$47,321.00	GUARD0081/2006072962
5. Ginny Cheek	N/A	GUARD0083/E162008030919
6. Diana Sanchez	\$105,000.00	GUARD0091/2008041001
7. Richard Sanchez or Diana Sanchez	\$100.00	GUARD0092/2005042475
8. Greg Sanders	\$2,500.00	GUARD0106/E032007128054
9. Southern Title Insurance	\$339,738.21	GUARD0155
10. Southern Title Insurance Corporation	\$183,809.49	GUARD0157/2005042475
11. Horizon Limited d/b/a Paul T. Young	\$7,000.00	GUARD0163

EXHIBIT 1 - 7 THIRD CLAIMS REPORT

**EXHIBIT 4 - CLAIMS DENIED IN TOTAL AS PAID**  
**OR PURSUANT TO AGREEMENT**

<b>CLAIMANT NAME</b>	<b>AMOUNT</b>	<b>POC #/GF NUMBER</b>
1. Candlewood Homes, Inc.	\$703.63	GUARD0003/2008041224
2. Candlewood Homes, Inc.	\$703.63	GUARD0008/2008010181
3. Candlewood Homes, Inc.	\$703.63	GUARD0009/2007097052
4. Jesus Mario Gonzalez	\$1,010.76	GUARD0010/2007127927
5. Thomas O. Rice, Sr.	\$2,500.00	GUARD0028/F022008061634
6. Candlewood Homes, Inc.	\$811.88	GUARD0034/2007107304
7. Ping-Chou and Violet Chen	\$2,000.00	GUARD0060/2008061566
8. Jovita T. Wallace	\$500.00	GUARD0062/2007117732
9. Henry M. Arbuckle, Jr.	\$500.00	GUARD0099/2008061617R
10. Sarah Arbuckle	\$500.00	GUARD0100/2008061617R
11. Kristen Metcalf	\$5,475.00	GUARD0112/2006021605
12. Survey 1, Inc.	\$703.63	GUARD0164/2008118313

EXHIBIT 1 - 7 THIRD CLAIMS REPORT

**EXHIBIT 5 - CLAIMS DECLARED MOOT BY RECEIVERSHIP COURT ORDER**

<b>CLAIMANT NAME</b>	<b>AMOUNT</b>	<b>POC #/GF NUMBER</b>
1. Katherine M. D'Abbraccio	\$450,000.00	GUARD0002/2005062929
2. Paul Lawson / Bettye Lawson	\$450,000.00	GUARD0147/2005062929

EXHIBIT 1 - 7 THIRD CLAIMS REPORT

**EXHIBIT 6 - CLAIM WITHDRAWN AS DUPLICATE**

<b>CLAIMANT NAME</b>	<b>AMOUNT</b>	<b>POC #/GF NUMBER</b>
1. Grand Parkway Katy Village, L.P. & DBSI Discovery Real Estate Services, L.L.C.	\$205,627.06	GUARD0124/2006114079

EXHIBIT 1 - 7 THIRD CLAIMS REPORT

**EXHIBIT 7 - CLAIM WITHDRAWN PURSUANT TO SETTLEMENT WITH ESTATE**

<b>CLAIMANT NAME</b>	<b>AMOUNT</b>	<b>POC #/GF NUMBER</b>
1. Neil Patel, Trustee	\$75,000.00	GUARD0103/F022007086894INT
2. Sydonia Holub	\$68,000.00	GUARD0141/F022007086894INT

**SPECIAL DEPUTY RECEIVER'S CERTIFICATION PURSUANT TO TEXAS  
INSURANCE CODE ANNOTATED SECTION 443.017(b)  
AFFIDAVIT OF MICHAEL P. MARCIN**

State of Texas

County of Travis

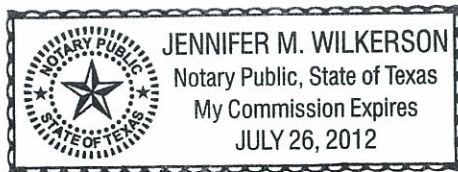
BEFORE ME, the undersigned authority appeared Michael P. Marcin, who after being by me duly sworn, stated the following under oath:

1. My name is Michael P. 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 a partner in CANTILO & BENNETT, L.L.P., Special Deputy Receiver of Guardian Fidelity Title Company, Ltd., et al.<sup>1</sup> (the "SDR" and "Guardian" respectively). I am duly authorized to make this Certification and Affidavit on behalf of the SDR.
3. I certify that the exhibits, books, accounts, records, papers, correspondence, and/or other records and documents attached hereto were produced pursuant to Texas Insurance Code Section 443.017(b), are true and correct copies of records created by and filed with the Special Deputy Receiver's office in connection with the receivership of this delinquent insurer, and are held by the Special Deputy Receiver in its official capacity.
4. 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.
5. Further affiant sayeth not.

By:

  
Michael P. Marcin

SUBSCRIBED AND SWORN TO BEFORE ME on September 20, 2010, by Michael P. Marcin, on behalf of CANTILO & BENNETT, L.L.P., Special Deputy Receiver of Guardian Title, LLC et al. in receivership.



  
Notary Public

<sup>1</sup> Guardian Fidelity Title Company, Ltd., Guardian Fidelity Title CLR, LLP, Guardian Fidelity Title NWR, LLP, Guardian Fidelity Title KTB, Ltd., Guardian Fidelity Title SB Ltd., and Guardian Fidelity Title DFT, Ltd., each and collectively in liquidation.



4. The Special Master has issued a recommendation that the Application should be granted pursuant to Rule 171 of the Texas Rules of Civil Procedure;

5. The Court has jurisdiction over the Application, and the parties affected hereunder; and

6. The Application should be GRANTED in all respects.

IT IS ORDERED, ADJUDGED, AND DECREED that the Application is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court, as follows:

1. Approves the SDR's Third Report of Claims as identified in Exhibits 1 through 7;

2. Authorizes the SDR to distribute the funds held in escrow to each claimant whose claim is approved by the Receivership Court;

3. Authorizes the SDR to hold payments to approved Escrow Claims and interplead such payments, in the event, in the SDR's sole and absolute discretion, that there are conflicting claims to any approved payment;

4. Discharges and releases the Receiver, the SDR, and the receivership estate from any and all liability regarding the distributed Escrow Accounts;

5. In the event that any action by the SDR and/or Receivership Court results in a shortage to an escrow account, the shortage shall not be considered a covered claim as that term is defined in Texas Insurance Code Annotated section 2602.252;

6. This Order constitutes a final judgment fully resolving all issues relating to the Application, provided that this Court shall retain jurisdiction to issue further orders pursuant to Texas Insurance Code Annotated Chapter 443. This Order shall not affect, in any way, the Receiver's or the SDR's immunities from suit and shall not give rise to any right to sue or create any causes of action against the Receiver or the SDR. The automatic stay and the provisions of

the Receivership Order remain in affect unless expressly modified herein. This Order does not amend, modify, or in any manner change or affect the terms and provisions of the Agreed Order Appointing Liquidator and Permanent Injunction and the POC Order except as expressly set out herein.

Signed on \_\_\_\_\_.

By: \_\_\_\_\_  
JUDGE PRESIDING