

NO. D-1-GV-08-001478

THE STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
Guardian Fidelity Title Company, Ltd.,	§	TRAVIS COUNTY, TEXAS
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.	§	
	§	
Defendants.	§	419th JUDICIAL DISTRICT

**APPLICATION FOR APPROVAL OF SPECIAL DEPUTY RECEIVER’S PROPOSED
TREATMENT OF CLAIMS [NOS. GUARD0146, GUARD0148, and GUARD0149]**

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.*,¹ (“Guardian”), files this Application for Approval of Special Deputy Receiver’s Proposed Treatment of Claims [Nos. GUARD0146, GUARD0148, and GUARD0149] (the “Application”).

I. INTRODUCTION

1.1 The SDR files this Application pursuant to Section 443.257 of the Texas Insurance Code (the “Code”). The SDR requests that the Court approve, over the claimants’ objections, its determinations of claims GUARD0146, GUARD0148, and GUARD0149, all of which were filed by related parties. This Application does not seek any relief relating to any other claims.

¹ 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.

1.2 The SDR is authorized to file this Application pursuant to Texas Insurance Code 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. JURISDICTION AND VENUE

2.1 This Court has jurisdiction over the subject matter of this Application and of the parties affected herein pursuant to Texas Insurance Code section 443.005.

2.2 The Court has exclusive jurisdiction over the estate pursuant to Texas Insurance Code section 443.005(c)(i), and personal jurisdiction over all parties affected herein because this is a civil proceeding arising under and related to a delinquency proceeding under Chapter 443 of the Code, the transactions and occurrences which form the basis for the Application occurred, in whole or in part, in this state, because some of the parties affected herein reside and/or conduct business in this state that is directly related to the subject matter of this proceeding, and because the parties affected herein fall under the Court's statutory personal jurisdiction set out in Texas Insurance Code section 443.005(d) and Texas Civil Practice and Remedies Code Chapter 17. The exercise of jurisdiction over any non-resident parties affected herein comport to customary standards of fair play and substantial justice and complies with the protections of the Constitutions of the United States of America and the State of Texas.

2.3 Travis County is the mandatory, sole, and exclusive venue for this proceeding. TEX. INS. CODE § 443.005.

III. THE PARTIES

3.1 Applicant is the duly appointed Special Deputy Receiver designated by the Commissioner of Insurance in his capacity as 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. The SDR is authorized to file this Application.

3.2 J.C. Investment Unlimited, LLC (“J.C. Investment”) is a respondent to this Application, is, upon information and belief, a limited liability company formed and existing in the State of California entity, which is registered to conduct business in the State of Texas under the Assumed Name of Joe Clay Investments, LLC, whose Registered Agent is Paul Lawson at 14519 Bridle Court, Houston, Texas 77044, and which may be served pursuant to this Court’s *Order Granting SDR’s Application to Use Electronic Service of Pleadings and Notices* entered on November 24, 2008, at landldevelopers@yahoo.com and by service to Joe Clay, via facsimile at 650/756-1006. J.C Investments has appeared in this delinquency proceeding by filing a Proof of Claim.

3.3 Bettye Lowe-Lawson is a respondent to this Application, resides at 14519 Bridle Court, Houston, Texas 77044, and may be served pursuant to this Court’s *Order Granting SDR’s Application to Use Electronic Service of Pleadings and Notices* entered on November 24, 2008, at landldevelopers@yahoo.com and bejatexas@hotmail.com. Ms. Lawson has appeared in this delinquency proceeding by filing a Proof of Claim and by making demand on the SDR for property of the estate.

3.4 Paul Lawson is a respondent to this Application, resides at 14519 Bridle Court, Houston, Texas 77044, and may be served, pursuant to this Court’s *Order Granting SDR’s*

Application to Use Electronic Service of Pleadings and Notices entered on November 24, 2008, at landldevelopers@yahoo.com. Mr. Lawson has appeared in this delinquency proceeding by filing a Proof of Claim and by making demand on the SDR for property of the estate.

IV. CONDITIONS PRECEDENT

4.1 All conditions precedent have occurred or been complied with; alternatively, conditions precedent have been waived. The SDR served each Respondent with a notice of determination in accordance with Texas Insurance Code section 443.253(b), each respondent timely filed a written objection pursuant to Texas Insurance Code section 443.253(c), and the SDR did not alter its determination as a result of the objections.

V. BACKGROUND

5.1 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.

5.2 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 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 section 443.304(c) and by funds paid to the estate pursuant to a Consent Order with Southern.

5.3 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.

5.4 On July 6, 2009, this Court entered its *Order Granting the Special Deputy Receiver’s 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 section 443.255(c) to become final.

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

5.6 As of the date of this Application, the SDR has not identified any Escrow Account shortages. Guardian was declared insolvent pursuant to Texas Insurance Code section 443.057(2), and is an impaired agent under the Texas Insurance Code section 2602.003(5). However, no covered claims have been identified which trigger coverage by the Texas Title Insurance Guaranty Association (“TTIGA”). TEX. INS. CODE § 2602.252.

5.7 The POC Order also required that non-escrow claimants file a claim with the SDR by the above-described deadlines. The order further provided 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” pursuant to Texas Insurance Code section 443.253(k). At this time, the SDR anticipates that there will be no distribution to non-escrow claimants classified as below Class 1.

5.8 Respondents Paul and Bettye Lawson filed a claim, identified as GUARD0146 pursuant to the POC Order. Respondent Paul Lawson filed a claim, identified as GUARD0148, pursuant to the POC Order. Respondent J.C. Investment , by its representative, Paul Lawson, filed a claim, identified as GUARD0149, pursuant to the POC Order. The SDR served each Respondent with a notice of determination in accordance with Texas Insurance Code section 443.253(b), each

respondent timely filed a written objection pursuant to Texas Insurance Code section 443.253(c), and the SDR did not alter its determination as a result of the objections.

5.9 This Application seeks relief only as to those POCs described below and seeks no relief relating to any other POC.²

VI. PROOFS OF CLAIM

6.1 The SDR requests the court to approve its proposed treatment of the following POCs:

A. **GUARD0146**, filed by Bettye and Paul Lawson on August 28, 2009, seeks to recover \$140,000 against a Guardian escrow account. This POC states that it arises out of Guardian closing transaction GF No. 2005100133 related to real property located at 11706 Greenmesa, and 13043 Bamboo Forest Trail, in Houston, Texas. Guardian's records indicate that all funds in the escrow account relating to this transaction, including a \$140,000 wire transfer to an account at Bank of America in the name of Bettye J. Lowe-Lawson, were paid out on or about October 20, 2005, in accordance with the closing documents. The claim was determined to be a non-escrow claim and was classified as having a priority lower than Class 1 under Texas Insurance Code section 443.301.

B. **GUARD0148**, filed by Paul Lawson in his capacity as representative of J.C. Investment on August 28, 2009, seeks to recover \$960,000 in damages related to Guardian closing transaction GF No. 2005100131. This closing transaction involved real property located at "22719 Aldine Westfield, Spring, TX; 13043 Bamboo Forest Trail, Houston, TX 77044; and 11706 Green Mesa, Houston, TX." Guardian's records indicate that on or about October 20, 2005, all funds in the escrow account relating to this transaction, including a \$370,000 wire transfer to an account at Bank of America in the name of Bettye J. Lowe-Lawson, were paid out in accordance with the closing

² POC GUARD0147, filed by respondent Paul Lawson and his wife Bettye Lowe-Lawson, was declared APPLICATION FOR APPROVAL OF SPECIAL DEPUTY RECEIVER'S PROPOSED TREATMENT OF CLAIMS [NOS. GUARD0146, GUARD0148, and GUARD0149]

documents. Additional allegations were made regarding the failure to deliver or file certain documents including the original copy of a lien note. The claim to escrow funds was determined to have been paid and was denied on that basis. The additional allegations in the POC were determined not to be a claim to escrow account funds and were classified as having a priority lower than Class 1 under Texas Insurance Code section 443.301.

C. **GUARD0149**, filed by Paul Lawson in his capacity as representative of J.C. Investment Unlimited on August 28, 2009, seeks to recover \$140,000 in damages related to Guardian closing transaction GF No. 2005100133. This closing transaction involved real property located at 11706 Greenmesa, and 13043 Bamboo Forest Trail, in Houston, Texas. Guardian's records indicate that on or about October 20, 2005, all funds in the escrow account relating to this transaction, including a \$140,000 wire transfer to an account at Bank of America in the name of Bettye J. Lowe-Lawson, were paid out in accordance with the closing agreement. Additional allegations were made regarding the failure to deliver or file certain documents including the failure to deliver proper title. The claim to escrow funds was determined to have been paid and was denied on that basis. The additional allegations in the POC were determined not to be a claim to escrow account funds and were classified as having a priority lower than Class 1 under Texas Insurance Code section 443.301.

VII. RELIEF SOUGHT

7.1 Section 443.257 of the Code requires the SDR to “ask the receivership court for a hearing” after a claimant objects to the proposed treatment of a claim and the SDR does not alter the determination, and states as follows:

DISPUTED CLAIMS (a) When objections to the liquidator's proposed treatment of a claim are filed and the liquidator does not alter the determination of the claim as a

moot and dismissed with prejudice by this Court on May 20, 2010.

APPLICATION FOR APPROVAL OF SPECIAL DEPUTY RECEIVER'S PROPOSED
TREATMENT OF CLAIMS [NOS. GUARD0146, GUARD0148, and GUARD0149]

Page 8

result of the objections, the liquidator shall ask the receivership court for a hearing pursuant to Section 443.007.

(b) The provisions of this section are not applicable to disputes with respect to coverage determinations by a guaranty association as part of the association's statutory obligations.

(c) The final disposition by the receivership court of a disputed claim is deemed a final judgment for purposes of appeal.

Non-Escrow Claim Status

7.2 Each of the three POCs claim escrow account status and contend that the SDR holds funds in an escrow account that rightfully belong to the claimant. In order to establish an escrow claim, the claimant must prove that (1) as of the date of receivership, the SDR held and continues to hold funds (2) in an escrow account (3) that are held on behalf of the claimant.

7.3 The SDR has reviewed the escrow account files relating to POC numbers GUARD0146, GUARD0148, and GUARD0149 and determined that, as of the date of receivership, there were no funds held in escrow for these claimants. In fact, both GUARD0146 and GUARD0149 seek a \$140,000 escrow claim from the same transaction. The escrow file for the transaction, as well as relevant bank records, reflect that \$140,000 was transferred into a Bank of America account in the name of respondent Bettye J. Lowe-Lawson on October 20, 2005.

7.4 With respect to POC number GUARD0148, Guardian's records indicate that the transaction involved a cash payment of \$370,000, delivery of a note to seller in the amount of \$140,000, and the buyer's assumption of a \$450,000 prior lien note. The escrow account was funded by a wire transfer on October 18, 2005, in the amount of \$384,508. These funds were distributed at closing with \$14,508 paid out for various closing costs and fees, and the remaining \$370,000 being wired to a Bank of America account in the name of Bettye J. Lowe-Lawson on October 20, 2005,

approximately two years and eight months prior to the receivership. The file does not reflect any inquiry by either the Lawsons or J.C. Investment as to the disposition or alleged non-receipt of the funds. Copies of the \$140,000 note and the agreement to assume the prior lien obligation are in Guardian's file.

Priority Lower than Class 1

7.5 The respondents appear to object to the classification of their claims as not being a secured escrow claim or as otherwise falling below Class 1. Section 443.301(a) sets out the requirements of a Class 1 claim. Generally, claims arising out of the "costs and expenses of administration expressly approved or ratified by the liquidator" and similar costs and expenses of a guaranty association are classified as Class 1. TEX. INS. CODE § 443.301(a)(1).

7.6 The POC Order provided 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" pursuant to Texas Insurance Code section 443.253(k). At this time, the SDR anticipates that there will be no distribution to non-escrow claimants classified as below Class 1.

7.7 GUARD0146, GUARD0148, and GUARD0149 do not claim Class 1 status but respondents have objected to the SDR's determination that their priority is less than Class 1. Neither the SDR, nor the Receivership Court, has approved or ratified any of the amounts claimed in these POCs. The respondents are not guaranty associations.

Approval of the SDR's Proposed Treatment

7.8 The SDR requests that the Court approve its determinations of POC numbers GUARD0146, GUARD0148, and GUARD0149

VIII. IMPAIRMENT AND NO WAIVER

8.1 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.

IX. NOTICE

9.1 Pursuant to Texas Insurance Code section 443.007(d), this Application has been served on the Respondents to this Application and on the entire service list for this proceeding 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. 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.

X. OFFER OF PROOF AND VERIFICATION

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

XI. NOTICE OF ELECTRONIC SERVICE REQUIREMENT

11.1 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. Approve the SDR's Application for Approval of Special Deputy Receiver's Proposed Treatment of Claims Nos. GUARD0146, GUARD0148, and GUARD0149;
2. Approve the SDR's proposed treatment of GUARD0146 and ruling that the claim is not an Escrow Claim and that it is a lower priority than Class 1, and that the SDR is not obligated to take further action on the claim unless and until it appears reasonably likely that property will be available for a distribution to classes below Class 1;
3. Approve the SDR's proposed treatment of GUARD0148 and ruling that the claim is not an Escrow Claim and that it is a lower priority than Class 1, and that the SDR is not obligated to take further action on the claim unless and until it appears reasonably likely that property will be available for a distribution to classes below Class 1;
4. Approve the SDR's proposed treatment of GUARD0149 and ruling that the claim is

not an Escrow Claim and that it is a lower priority than Class 1, and that the SDR is not obligated to take further action on the claim unless and until it appears reasonably likely that property will be available for a distribution to classes below Class 1;

5. Discharge and release the Receiver, the SDR, and the receivership estate from any and all liability regarding POC numbers GUARD0146, GUARD0148, and GUARD0149 unless and until it appears reasonably likely that property will be available for a distribution to classes below Class 1;

6. Rule that, pursuant to Texas Insurance Code section 443.257 (c) approval of this Application constitutes a final judgment for purposes of appeal and 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;

7. 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

8. 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

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 October 8, 2010, a true and correct copy of this Application for Approval of Special Deputy Receiver's Proposed Treatment of Claims [Lawson and JC Investments] 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 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

Mr. Paul Lawson
14519 Bridle Court
Houston, Texas 77044
landldevelopers@yahoo.com

Bettye Lawson
14519 Bridle Court
Houston, Texas 77044
bejateexas@hotmail.com

JC Investments Unlimited LLC
c/o Joe Clay
2480 Ardee Lane
South San Francisco, California 94080
Fax: 650-756-1006

JC Investments Unlimited LLC
d/b/a Joe Clay Investments LLC
c/o Registered Agent
Mr. Paul Lawson
14519 Bridle Court
Houston, Texas 77044
landldevelopers@yahoo.com

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

Bruce McCandless, III
Texas Title Insurance Guaranty Association
Mitchell, Williams, Selig, Gates & Woodyard, PLLC
P.O. Box 2212
106 East Sixth Street, Suite 300
Austin, Texas 78768-2212
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

Bradford W. Irelan
Attorney for Southern Title Insurance Co.
Irelan & Hargis, P.L.L.C.
440 Louisiana Street, Suite 1800
Houston, Texas 77002
(713) 222-7666
(713) 222-7669 Fax
irelan@irelanhargis.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

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

Mark D. Humphrey, Houston Area President
Prosperity Bank
100 Medical Center Boulevard
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

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

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

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

Ryan Colburn, President
Regions Bank Houston
5005 Woodway, Suite 350
Houston, Texas 77056
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

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

Diana Sanchez
10802 Walston Ridge Court
Spring, Texas 77379
dmsanchez9971@att.net

Gary Zausmer
Winstead PC
401 Congress Avenue, Suite 2100
Austin, Texas 78701
(512) 370-2800
(512) 370-2850 Fax
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

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

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

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

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

Michael P. Marcin, Esq.
CANTILO & BENNETT, L.L.P.
Special Deputy Receiver
11401 Century Oaks Terrace, Suite 300
Austin, Texas 78758
mpmarcin@cb-firm.com

NOTICE OF DOCKET CALL

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 Special Deputy Receiver's Proposed Treatment of Claims [Nos. GUARD0146, GUARD0148, and GUARD0149] is hereby set for Docket Call before the Special Master, Tom Collins, on November 1, 2010 at 1:00 P.M., at 333 Guadalupe, Hobby Tower III., Room 100, Austin, Texas.

Christopher Fuller
Christopher Fuller