

Daniel C. Bitting
Direct Dial: 512.495.6325
dbitting@scottdoug.com

January 13, 2017

VIA EFILE

Probate Clerk
Travis County Probate Court
Travis County court House
100 Guadalupe, Room 217
Austin, TX 78701

In Re: In Re Tel Offshore Trust; Cause No. C-1-PB-14-001245; In the Probate Court of Travis
County, Texas

Dear Clerk:

Attached for e-filing with the Court please find a proposed Order Severing Proceedings
Related to Qualified Settlement Fund.

I am also paying the \$2.00 fee for the signature for the Order.

Thank you for your assistance with this filing.

Sincerely,



Daniel C. Bitting

DCB:mlp
Enclosure

NO. C-1-PB-14-001245

In Re: § **In the Probate Court No. 1**
§
§ **of**
§
TEL Offshore Trust § **Travis County, Texas**

ORDER SEVERING PROCEEDINGS RELATED TO
QUALIFIED SETTLEMENT FUND

BEFORE THE COURT is the Motion to Sever Order and Proceedings Concerning Qualified Settlement Fund filed by Glenn M. Karisch, as attorney ad litem representing the interests of the unit holders of the TEL Offshore Trust who were served by publication and did not answer or appear (“Motion to Sever”). Having considered the Motion to Sever, any response thereto, the argument of counsel and the entire file, the court grants the Motion to Sever as follows:

It is therefore ORDERED that the Order Creating the Qualified Settlement Fund and all proceedings related to the qualified settlement fund be and hereby are severed from this action and transferred to and made the subject of a separate action, under Cause No. C-1-PB-17-_____, styled *In re TEL Offshore Trust*.

It is further ORDERED that after this severance all other matters pending in this action that have not previously been severed, including all claims, defenses and other matters that are the subject of the pleadings in this action and all claims, defenses and matters that may be the subject of future pleadings in this action, shall remain in Cause No. C-1-PB-14-001245 (the “Original Cause.”)

It is further ORDERED that the following matters previously filed in the Original Cause shall be duplicated and re-filed in the severed proceeding and shall apply to the severed proceeding as if originally filed therein:

- a. Trustees' Original Petition for Modification and Termination
- b. Motion for Authorization to Serve Process Pursuant to Rule 103 – OBOs
- c. Motion for Citation by Publication – OBOs
- d. Order for Citation by Publication and Other Substituted Service Pursuant to Rule 103
- e. TRCP 109a Affidavit of William O. Gauger
- f. Return of Citation by Publication (filed 2/2/2015)
- g. Motion for Citation by Publication for Unit Holders for Whom Service by Certified Mail Could Not Be Accomplished
- h. Citation by Publication and Other Substituted Service for Unit Holders for Whom Service by Certified Mail Could Not Be Accomplished
- i. Order to Allow Service by Publication for Unit Holders for Whom Service by Certified Mail Could Not Be Accomplished
- j. TRCP 109a Affidavit of Michael F. Carney
- k. Return of Citation by Publication (filed 6/18/2015)
- l. Trustees' Motion for Appointment of Attorney Ad Litem for the Unit Holders of the TEL Offshore Trust Who Were Served by Publication and Did Not Answer or Appear
- m. Order for Appointment of Attorney Ad Litem dated June 18, 2015
- n. Order Directing Method of Service of Documents dated September 28, 2015
- o. Order Directing Method of Service (dated January 21, 2016)

- p. Attorney Ad Litem's Application to Approve Settlement with Individual Trustees (dated January 13, 2017)
- q. Attorney Ad Litem's Motion to Establish the TEL Trust Qualified Settlement Fund and to Appoint Trustee and Administrator;
- r. Motion to Sever Order and Proceedings Concerning Qualified Settlement Fund (dated January 13, 2017)
- s. Order Establishing TEL Offshore Trust Qualified Settlement Fund and Appointing Trustee and Administrator (dated January __2017)
- t. Order Approving Settlement Agreement (dated January __, 2017)
- u. this Order

The parties to the severed proceeding may request additional items from the Original Cause to be duplicated and re-filed in the severed proceeding as the need arises. Any such additional items duplicated and re-filed in the severed proceeding and shall apply to the severed proceeding as if originally filed therein.

It is ORDERED that the following persons are parties to the severed proceeding and remain parties to this proceeding and are bound by any orders entered in the severed proceeding although their appearances will not be re-filed in the severed proceeding:

RNR Production Land and Cattle Company, Albert and Joyce Speisman, Ad Litem, all unit holders of TEL Offshore Trust, consisting of known record holders, known non-objecting beneficial owners and unknown objecting beneficial owners and unknown objecting beneficial owners who have answered or appeared in this proceeding or have been served by publication or otherwise.

In addition, the Trustee/Administrator of the qualified settlement fund shall be a party.

It is further ORDERED that separate judgments be entered in this proceeding and the severed proceeding.

It is further ORDERED that service of pleadings and other discovery in the severed proceeding shall be governed by the Court's orders regarding service dated September 28, 2015 and January 21, 2016.

SIGNED on the ____ day of January, 2017.

Honorable Guy Herman
Presiding Judge