

Cause N^o C-1-PB-18-000872

IN RE:	§	IN THE PROBATE COURT
	§	
TEL OFFSHORE TRUST	§	NO. ONE OF
	§	
QSF DISTRIBUTION	§	TRAVIS COUNTY, TEXAS

MOTION FOR COURT GUIDANCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Karl Johnson, Trustee of the TEL Offshore Trust Qualified Settlement Fund, and files this *Motion for Court Guidance* and would show the Court the following:

First Distribution

I.

Thankfully problems with the first distribution were few. The Trustee is in communication with five individuals with problems requiring court consideration. Those five individuals are Alan Watter, Sandra Dutcher, Paul Eseppi, Cheryl Miller and Albert Amador. Generally the problems are that the unit holder has died and his/her estate hasn't been probated, that the units were held in a trust which no longer exists or that units were held in an IRA which doesn't exist any longer.

Four of the five referenced people (all but Albert Amador) are concerned with claims each with a value of less than \$500.00. The Trustee seeks authority to simply reissue these checks to those documented to be entitled to same, had the estate been probated, the trust in effect or to any successor to the IRA account.

Albert Amador was issued three checks with an aggregate value of \$25,253.72, all payable to a Fidelity IRA account no longer in existence. The Trustee seeks authority to replace those checks payable to whatever account replaced the older Fidelity accounts, which information has been requested but not yet received.

There may be other problematic accounts which haven't yet been presented to the Trustee. The Trustee seeks authority to resolve those accounts by the same principles applied to these five accounts.

Final Distribution

II.

The fundamental issue with a final distribution is that all money must be distributed without a known dollar amount which must be reserved for expenses. The Trustee and his paralegal have carefully calculated (past approved bills) the costs of the first distribution, without including those costs for efforts which don't have to be duplicated, e.g. the creation of mailing lists, and those costs are as follows:

Material costs (stamps, envelopes, copies)	\$3656.00
Paralegal time (processing, recording)	\$11,590.00 (122 hrs.)
Administrative time (envelope stuffing)	\$600.00
Bank fees (excessive checks and stop-payments)	\$725.00
Trustee time (processing, response to problems, closing)	\$17,100.00 (57 hrs.)
Final attorneys' fees (ad litem)*	\$2500.00
Accountant fees*	\$5000.00
Bond costs	\$7688.00
TOTAL	\$48,768.00

- These amounts are estimates by the Trustee and may be revised at the hearing

The Trustee proposes that said amount be approved as a final payment to the Trustee's law firm, payable now. The Trustee would accept the risk that the costs might be higher, for example if a disgruntled unit holder filed suit against him, and would accept the benefit if the costs are any lower. Approval of said amount as a final payment would enable the Trustee to begin the final distribution immediately.

The Trustee also proposes that the same principles applicable to the first distribution, i.e. resolution of problems under \$500.00 without court involvement, payment to surviving joint tenant, inclusion of those claimants inadvertently left off (initially) first distribution, be applicable to the final distribution.

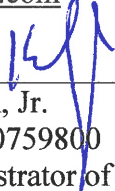
III.

The remaining balance of the TEL bank account is \$903,377.18, as of the drafting of this motion. The sum of outstanding checks from the first distribution is \$105,407.36. Two outstanding fee applications (the Trustee's and the ad litem's) together equal \$19,745.02. The best estimate for all remaining costs (paragraph II) is \$48,768.00. Subtracting the last three numbers from the balance leaves \$729,456.80 for the final distribution.

WHEREFORE, the Trustee prays that the Court consider this *Motion for Court Consideration*, that the Court authorize the Trustee to resolve disputed claims worth less than \$500.00 at his discretion without further Court involvement, , that the Court authorize the Trustee to resolve Albert Amador's dispute by reissuing checks to his replacement accounts, that the Trustee is authorized to resolve as yet unreceived first distribution disputes by these same parameters, that the Trustee be authorized to now be paid \$48,768.00 as a final payment and that the Trustee is authorized to complete the final distribution of the sum of \$729,456.80, that all parties take notice of its filing and hearing date, and for other Orders as the Court deems appropriate.

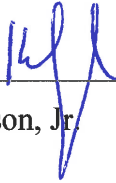
Respectfully submitted,

Law Office of Karl G. Johnson, Jr., P.C.
704 West 9th Street
Austin, Texas 78701
(512) 482-9113
(512) 482-9114 (telefax)
karl@kjlawfirm.com

By: 
Karl G. Johnson, Jr.
State Bar No. 10759800
Trustee/Administrator of the TEL Offshore Trust
Qualified Settlement Fund

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served or will be served in accordance with the Court's Orders regarding service dated September 28, 2015 and January 21, 2016.



Karl G. Johnson, Jr.