

NO. C-1-PB-14-001245

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

**Attorney Ad Litem’s Motion For Court to
Direct Method of Service of Documents**

Glenn M. Karisch (“Ad Litem”), who has been appointed attorney ad litem by this Court to represent the interests of the unit holders of TEL Offshore Trust (the “Trust”) who were served by publication and did not answer or appear in this proceeding (collectively referred to as the “Defendants”), files this motion for the court to direct the method of service in this proceeding.

1. According to the 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 (the “Appointment Motion”) filed by The Bank of New York Mellon Trust Company, N. A., as Corporate Trustee, and Gary C. Evans, Jeffrey S. Swanson, and Thomas H. Owen, Jr., as Individual Trustees (collectively, the “Trustees”), there are approximately 6,500 beneficiaries of the Trust, called “Unit Holders.” In the Appointing Motion, the Trustees stated that, as of March 17, 2015, completed returns of service for 3,610 Unit Holders had been filed with the Court as of March 17, 2015. Ad Litem represents the other 2,890 Unit Holders, which according to the Appointing Motion consists of 540 mailings returned as undeliverable, 1,403 that had not been returned at all, and approximately 800 Unit Holders whose identities could not be determined. (This adds up to 2,743 Unit

Holders, not 2,890 Unit Holders, but is approximately the number of Unit Holders represented by Ad Litem.)

2. The purpose of this motion is to ask the Court to direct a reasonable method of serving the parties who have made appearances in this proceeding or are otherwise entitled to notice.
3. According to the e-filing system, the Court's records and information provided by the Trustees, Ad Litem believes that the following is accurate:
 - a. 31 parties are signed up to be served through the e-filing system.
 - b. 50 parties have not signed up to be served through the e-filing system, but have provided email addresses and may be served by email.
 - c. 128 parties have not signed up for e-filing and have not provided email addresses, but have provided mailing addresses.
 - d. Approximately 3,400 other Unit Holders were served by mail but have not appeared.
 - e. Approximately 2,743 – 2,890 Unit Holders were not served by mail and have not appeared.
4. The persons entitled to e-filing, email or mail service are stated on the attached Certificate of Service, which Ad Litem believes to be accurate and complete.
5. Ad Litem will e-file all its pleadings and motions. Texas Rule of Civil Procedure 21a(a) provides that a document filed electronically must be served electronically through the electronic filing manager if the email address of the party is on file with the electronic filing manager. If the email address of the party is not on file with the electronic filing

manager, that party may be served in person, by mail, by commercial delivery service, by fax, by email, or “by such other manner as the court in its discretion may direct.”

6. Ad Litem asks the Court to direct that service on persons whose email addresses are not on file with the electronic filing manager may be served as follows:
 - a. If the party serving a document knows of the email address of the person (or what the party reasonably believes to be the email address of the person), the document may be served on that person by emailing to that address.
 - b. If the party serving a document knows of the mailing address of the person (or what the party reasonably believes to be the mailing address of the person), the document may be served on that person by mailing to that address by United States mail without the use of certified mail, return receipt requested.
 - c. If the party serving a document does not know the email address or the mailing address of a person, the document does not have to be served on that person; rather, that person will be deemed to be served when the document is e-filed in this proceeding.
7. Ad Litem believes that the Court has the discretion to grant this relief. Because of the large number of Unit Holders and the costs associated with service, Ad Litem believes that it is reasonable for the Court to grant this relief.

Prayer

On behalf of the Defendants, Ad Litem prays that the Court will direct that service of documents occur as stated above and that the Court will grant such other and further relief to which Defendants or Ad Litem justly may be entitled.

Respectfully submitted,

THE KARISCH LAW FIRM, PLLC

By: /s/ Glenn M. Karisch

Glenn M. Karisch

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Attorney Ad Litem

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record pursuant to the Texas Rules of Civil Procedure on this the 18th day of August 2015.

The following were served by efile:

Party	Name	Attorney
Defendant	Amador, Albert	Pro Se
Other	Clark, Sarah	
Defendant	Di Simone, Ralph	Pro Se
Other	Dunn, M. Kaylan	
Petitioner	Evans, Gary C. - Individual Trustee	
Defendant	Foran, Joseph William	James Truss
Defendant	Foran, Nancy	James Truss
Defendant	Foster, Jane	John Strong
Defendant	Hollowell, Catherine, Julia	Sarah Horton
Defendant	Hollowell, Don W.	Sarah Horton
Petitioner	Lucier, Georgia	
Defendant	Lutz, Matt	Sara Clark
Defendant	Mundt, Randolph P.	
Defendant	Nishimura, Akihiro	Pro Se
Defendant	O'Neil, Nancy - Trustee	Pro Se
Other	O'Neil, Nancy - Trustee	
Petitioner	Owen, Thomas H., Jr. - Individual Trustee	
Defendant	Piazza, Pascal	Pascal Piazza
Defendant	Robertson, Benjamin	Nancy Foran
Defendant	Romberg, Vincent George	Leonard Peters
Other	Sifuentes, Jessica	
Defendant	Sinkin, Steven	Steven Sinkin
Other	Stephens, Inc.	Jana Fowler
Petitioner	Swanson, Jeffrey S. - Individual Trustee	
Defendant	Ten, Joyce Umali Tan	
Petitioner	The Bank of New York Mellon Trust Company, N.S. as Corporate Trustee	
Defendant	Truss, James M.	Nancy Foran
Defendant	Wendeborn, J.C.	
Defendant	Williams, Donald L.	Pro Se
Defendant	Winkelmann, Arlene L.	Brent Devere
Defendant	Winkelmann, Ray E.	Brent Devere

The following were served by U.S. Mail:

Larry A. Aber 1929 168th Ave SE Bellevue, WA 98008	Elizabeth Martin Anderson 4260 Red Fox Trail Oakwood, GA 30566-2147	James A. Angell 461 S Main St., Suite 100 Willits, CA 95490
Robert B. Barger 23442 Myrtle Point Rd. California, MD 20619	eter J. and Kristyn L. Bawol 1726 Mansfield Rd. Birmingham, MI 48009-7272	Fay Marie Benners 1965 Brenda Drive Austell, GA 30168
Donald Williams & Joyce Umali Tan c/o Donald E. Bird 4807 Spicewood Springs Rd. Bldg. 2, Suite 117 Austin, TX 78759-8444	Ralph and Ida DiSimone c/o Donald E. Bird 4807 Spicewood Springs Rd. Bldg. 2, Suite 117 Austin, TX 78759	Mark L. Blumenfeld 461 South Main St., Suite 200 Willits, CA 95490
Aaron Boteler 4605 E Joppa Road Perry Hall, MD 21128-9306	Mary Ellen Bowden 1015 Brook Arbor Drive Mansfield, TX 76063-5445	Barry B. Bridges 2117 Commonwealth Ave St. Paul, MN 55108
John Campbell 288 River Drive Tequesta, FL 33469	William B. Campbell 175 Big Hat Road Basalt, CO 81621-9778	Larry J. Canuti 12560 Eleventh Avenue Victorville, CA 92395
Raymond and Elida Canziani 18 Clorinda Avenue San Rafael, CA 94901	Carolyn and Enrique Chavez 15785 Westcott Dr. Southgate, MI 48195-3020	Viola M. Chesebrough P. O. Box 1695 Deming, NM 88031-1695
Justyna B. Clipper P. O. Box 3138 Sarasota, FL 34230	Dan Corley 7422 Bull Creek Rd. Houston, TX 77095-3310	Luke M. Cornelius 302 4th Street Atlantic Beach, FL 32233-5344
Luke M. Cornelius 320 4th Street Atlantic Beach, FL 32233-5344	Tommy R. Coy 12731 W. Paintbrush Drive Sun City West, AZ 85375	Benjamin Flint III c/o Douglass S. Davert Davert & Loe, Lawyers 110 Pine Avenue, Suite 600 Long Beach, CA 90802
Benjamin DeScala 606 E. Jacksonville Ave. Villas, NJ 08251-2919	Anton Dimitrov 15542 Walkwood Drive Houston, TX 77079	Mechele Kay Dorsey 8022 Doe Meadow Drive Austin, Texas 78749

<p>Emil C. Dragan 2302 Nautilus CV Fort Wayne, IN 46814-8940</p>	<p>Dennis H. Edwards P. O. Box 1476 Simpsonville, SC 29681</p>	<p>Jeanette Eid 12908 Viking Drive Burnsville, MN 55337</p>
<p>Shirley A. Engelbart 3493 Prarie Bend Circle Marion, IA 52302</p>	<p>Val and Lou Episcopo 4500 East Palm Valley Blvd. Suite 108-59 Round Rock, Texas 78665-2663</p>	<p>Louis H. Gall c/o Paul J. Ferr 5232 West Oklahoma Ave., Suite 100 Milwaukee, Wisconsin 53219</p>
<p>George Flora 7309 W. 112th Street Bloomington, MN 55438</p>	<p>Michele Foran 510 Grove Street Oconomowoc, WI 53066-2863</p>	<p>Brian D. Foster 4 Hill Road Duncannon, PA 17020</p>
<p>Chris Francisco 13 Nantucket Avenue Barnegat, NJ 08005</p>	<p>Anthony L. Fratta 8 Young St. Cortlandt Manor, NY 10567-1008</p>	<p>SF Investors LP c/o Stuart Friedman 8 S Acres Rd. Plattsburgh, NY 12901-3719</p>
<p>William B. and Ruth Frye 4659 Ipswich Street Boulder, CO 80301-4218</p>	<p>Sharon Gale 9838 E. Diamond Drive Chandler, AZ 85248</p>	<p>Janet Gargano 975 Chadwick Shores Drive Sneads Ferry, NC 28460-9213</p>
<p>William D. Garrett 1315 Calle Ramon Santa Fe, NM 87501</p>	<p>Nicholas Gatto 374 East Decker Drive Seven Hills, OH 44131</p>	<p>Irwin and Alois Gendzier 11501 Old St. Augustine Rd. Apt. #78 Jacksonville, FL 32258</p>
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<p>Bonita R. Gilbert 23 Mervin Ct. Pagosa Springs, CO 81147</p>	<p>Ralph E. Gratz 1090 Island Estates Ct. Oshkosh, WI 54901</p>	<p>Judy A. Hackney 1107 South Henderson Street Stuttgart, AR 72160</p>
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David Ho 4406 Sweet Stone Pl Las Vegas, NV 89147	John Hodge 302 Willowbrook Dr. N Brunswick, NJ 08902-1259	Acilla Holstrom 12121 E. Clinton Scottsdale, AZ 85259
Herbert and Jacqueline E. Hymel 119 New Orleans Avenue Lake Arthur, LA 70549-4629	The Estate of William H. James Virginia James 373 Reeds Gap Rd. Northford, CT 06472	The Estate of William H. James c/o William S. Colwell Parrett, Porto, Parese & Colwell 2319 Whitney Ave., Suite 1D Hamden, CT 06518
Ronald W. Jarvi 449 East Oakridge St. Ferndale, MI 48220	John Jordan 2061 Russet Woods Trail Hoover, Alabama 35244	Wayne A. Kesler 3748 Equinox Way Dumfries, VA 22025
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Jackie M. Knoell Scottrade Inc. Cust. FBO 1249 Cobb Pl Willits, CA 95490	Brian L. and Stacy H. Krahn 10770 Roosevelt Rd. Mishawaka, IN 46544-9162	Robert Kramer 7310 Hazelwood Avenue Indianapolis, IN 46260
John R. Kuhlman 554 Mason Rd. Taylor Mill, KY 41015	John David and Clara Lai Lam 1060 Alderbrook Ln. San Jose, CA 95129	Jason Lambert 4810 Fox Creek E, Apt. 182 Clarkston, MI 48346-4939
Herman Lambert 10565 Cedar Valley Dr Davisburg, MI 48350-1106	Lois Liggett 15 North Park Drive Montpelier, Vermont 05602	Randall and Carol Johnson Loemker 2190 Wolverton Trail Prescott, AZ 86303
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Charles Schwab & Co Inc. Cust. c/o Marcia Lynne Montag 2787 Windmill View Rd. El Cajon, CA 92020	Edna Long Morgan 18 Beechnut Lane Gordonsville, VA 22942	Richard E. Moyer 30915 NE Bell Road Sherwood, OR 97140
Franklin and Margaret Myers 1601 County Road 28 Crossville, AL 35962	Harold L. Newsom 2601 Old Union Rd. Lufkin, TX 75904	Edward M. and Sarah E. O'Reilly 11310 Lakeshore S Auburn, CA 95602-8024
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/s/Glenn M. Karisch _____
Glenn M. Karisch

NO. C-1-PB-14-001245

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

Order Directing the Method of Service of Documents

On this day the Court considered Attorney Ad Litem’s Motion For Court to Direct Method of Service of Documents filed by Glenn M. Karisch (“Ad Litem”), who has been appointed attorney ad litem by this Court to represent the interests of the unit holders of TEL Offshore Trust (the “Trust”) who were served by publication and did not answer or appear in this proceeding (collectively referred to as the "Defendants"). On consideration of the motion, the Court finds that Texas Rule of Civil Procedure 21a(a) gives the Court the discretion to direct the method of service of documents in this proceeding for persons who are not being served through the electronic filing system and that it is reasonable for the Court to direct the method of service because of the large number of unit holders of the Trust.

IT IS, THEREFORE, ORDERED that the Court directs the method of service on persons whose email addresses are not on file with the electronic filing manager in this proceeding as follows:

- a. If the party serving a document knows of the email address of the person (or what the party reasonably believes to be the email address of the person), the document may be served on that person by emailing to that address.
- b. If the party serving a document knows of the mailing address of the person (or what the party reasonably believes to be the mailing address of the person), the

document may be served on that person by mailing to that address by United States mail without the use of certified mail, return receipt requested.

- c. If the party serving a document does not know the email address or the mailing address of a person, the document does not have to be served on that person; rather, that person will be deemed to be served when the document is e-filed in this proceeding.

Signed _____, 2015.

Judge Presiding