

IN RE:                                       §               IN THE PROBATE COURT  
   §               OF  
TEL OFFSHORE TRUST               §               TRAVIS COUNTY, TEXAS

SCOTT DOUGLASS & McCONNICO’S MOTION TO WITHDRAW  
AS COUNSEL OF RECORD FOR DEFENDANT MATT LUTZ

TO THE HONORABLE JUDGE GUY HERMAN:

Scott Douglass & McConnico LLP files this Motion to Withdraw as Counsel of Record for Defendant Matt Lutz (“Lutz”).

1. Lutz has been represented in this matter by Sara Wilder Clark of the law firm of Scott Douglass & McConnico LLP (collectively, “SD&M”).
2. Lutz and the Petitioner in this suit have entered into a Rule 11 agreement acknowledging that: (1) Petitioner has agreed that it does not and will not seek any type of fees or damages from Lutz in this suit, and (2) Lutz has agreed that the case may be decided without his further participation in the suit (the Rule 11 Agreement”). A copy of the Rule 11 Agreement is attached as Exhibit “A” to this motion.
3. SD&M seeks to withdraw from representing Lutz in this matter for good cause pursuant to Rule 10 of the Texas Rules of Civil Procedure. No counsel will be substituted for Lutz, and pursuant to the Rule 11 Agreement, no further service on or notice to Lutz is required.
4. A copy of this motion has been delivered to Lutz, he has been notified in writing of his right to object to this motion, and he consents to this motion. Counsel for Petitioner does not oppose this motion. The Attorney ad Litem for the unit holders who were serviced by publication and did not answer or appear does not oppose this motion.
5. The following settings and deadlines are pending in this matter:


- a. January 15, 2016, at 10:00 a.m.: Trial of Trustee's Original Petition for Modification and Termination of Trust; Attorney ad Litem's First Amended Answer and Counterclaim for Order to Sell Royalty Interests and for Accounting; and RNR's First Amended Original Answer and Counterclaim for Order to Sell Royalty Interests and for Accounting.<sup>1</sup>
- b. January 15, 2016, at 10:00 a.m.: Hearing on Attorney ad Litem's Motion to Sever;
- c. January 15, 2016, at 10:00 a.m.: Hearing on Attorney ad Litem's Fee Applications;
- d. January 15, 2016, at 10:00 a.m.: Hearing on RNR Production Land and Cattle's Motion to Sever;
- e. January 15, 2016, at 10:00 a.m.: Hearing on this Motion to Withdraw; and
- f. January 15, 2016, at 10:00 a.m.: Hearing on Attorney ad Litem's Motion for Continuance.

PRAYER

WHEREFORE, Sara Wilder Clark and Scott Douglass & McConnico LLP respectfully request that this Court issue an order permitting SD&M's withdrawal as counsel of record for Lutz, and such further relief to which Lutz is entitled.

Respectfully submitted,

SCOTT DOUGLASS & McCONNICO LLP  
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By   
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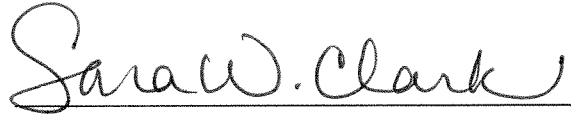
COUNSEL FOR DEFENDANT MATT LUTZ

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<sup>1</sup> It is expected that after the Court rules on the pending motions to sever, it may resolve some claims and continue the trial of the remaining claims.

CERTIFICATION REGARDING  
LAST KNOWN MAILING ADDRESS

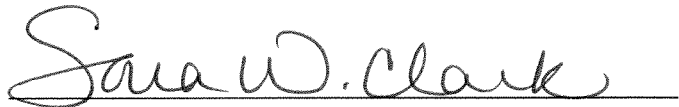
Matt Lutz's current mailing address is 9527 Ketona Cove, Austin, Texas 78759.



Sara W. Clark

NOTICE OF HEARING

A hearing on the foregoing Motion to Withdraw is set for 10:00 a.m., Friday, January 15, 2016, in Travis County Probate Court No. 1.



Sara W. Clark

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 7<sup>th</sup> day of January 2016. The following were served by efile:

<b>Party</b>	<b>Name</b>	<b>Attorney</b>
Defendant	Foran, Joseph William	James Truss
Defendant	Foran, Nancy	James Truss
Petitioner		Georgia Lucier M. Kaylan Dunn
Defendant	O'Neil, Nancy - Trustee	Pro Se
Defendant	Piazza, Pascal	Pascal Piazza
Defendant	Robertson, Benjamin	Nancy Foran

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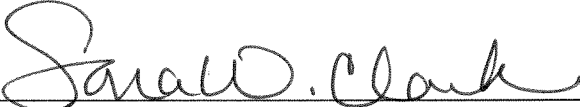
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 Sara W. Clark

CAUSE NO. C-1-PB-14-001245

IN RE:	§	IN THE PROBATE COURT
	§	
	§	OF
	§	
TEL OFFSHORE TRUST	§	TRAVIS COUNTY, TEXAS

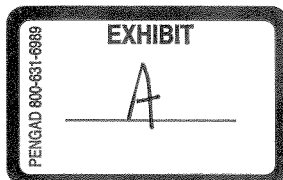
RULE 11 AGREEMENT

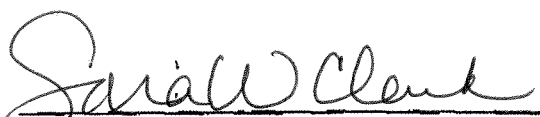
Matt Lutz is a person named as Defendant in this case. He has been served with Citation and a copy of the *Original Petition for Modification and Termination of Trust* filed in this case. He has read and understands the contents of that document and has filed an Answer in this suit.

As Petitioners have agreed not to seek to hold him personally liable for any fees or damages in this suit, he hereby waives his right to receive service or other notification of every pleading, plea, motion, or application to the Court for an order, whether in the form of a motion, plea, or other form of request. He further waives his right to receive service or other notification of every disclosure, discovery request, notice, response, and objection required to be served on a party or person.

He agrees that this case may be taken up and considered by the Court without further notice to him, including any notice of the setting of trial and/or any subsequent resetting of such trial, as applicable. He agrees that the case may be decided by the presiding Judge of the Court or by a duly appointed Associate Judge of the Court without his presence or participation in such trial or hearing. He waives the making of a record of testimony in this case.

1274519



  
SIGNATURE OF COUNSEL FOR DEFENDANT  
MATT LUTZ

1/6/2016  
DATE

  
SIGNATURE OF COUNSEL FOR PETITIONER

1/6/2016  
DATE