

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

IN RE: § IN THE PROBATE COURT
 §
 § OF
 §
TEL OFFSHORE TRUST § TRAVIS COUNTY, T E X A S

MOTION FOR ENTRY OF TRIAL DATE

COMES NOW 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") of the TEL Offshore Trust ("Trust") and files this Motion for Entry of Trial Date, and would show the Court as follows:

1. Trustees filed this suit on July 10, 2014 in order to obtain a judicial modification and termination of the Trust pursuant to Texas Property Code § 112.054. The Trust is currently made up of approximately 6,500 Unit Holders consisting of known Record Holders, known Non-Objecting Beneficial Owners and unknown Objecting Beneficial Owners (collectively, the "Unit Holders").

2. Approximately 134 Unit Holders have filed answers in this suit.

3. On June 18, 2015, *Ad Litem* was appointed to represent the interests of the Unit Holders of the Trust Who Were Served by Publication and Did Not Answer or Appear.

4. In light of the appointment of *Ad Litem*, this case is ready to proceed. As such, Plaintiff respectfully requests that the Court set this action for trial.

WHEREFORE, PREMISES CONSIDERED, 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 of the TEL Offshore Trust, asks the Court to set this action for trial, and for such other and further relief as they may be justly entitled.

Respectfully submitted,

ANDREWS KURTH LLP

By: /s/ Georgia L. Lucier

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ATTORNEYS FOR TRUSTEES THE BANK
OF NEW YORK MELLON TRUST
COMPANY, GARY C. EVANS, JEFFREY S.
SWANSON, and THOMAS H. OWEN, JR.

CERTIFICATE OF CONFERENCE

There are currently over 120 defendant unit holders active in this case. Conferring with each of these defendants about this Motion would have been impractical.

/s/ Georgia L. Lucier
Georgia L. Lucier

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 2nd day of September, 2015.

The following were served by efile:

Party	Name	Attorney
Ad Litem		Glenn M. Karish
Defendant	Foran, Joseph William	James Truss
Defendant	Foran, Nancy	James Truss
Defendant	Lutz, Matt	Sara Clark
Defendant	O'Neil, Nancy - Trustee	Pro Se
Defendant	Piazza, Pascal	Pascal Piazza
Defendant	Robertson, Benjamin	Nancy Foran
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CAUSE NO. C-1-PB-14-001245

IN RE: § IN THE PROBATE COURT
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TEL OFFSHORE TRUST § TRAVIS COUNTY, T E X A S

ORDER GRANTING MOTION FOR ENTRY OF TRIAL DATE

ON THIS DAY, the Court considered 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 of the TEL Offshore Trust’s Motion for Entry of Trial Date and any responses thereto. The Court having considered the Motion, and the information in the Court’s file, finds the Motion should be and is hereby GRANTED.

IT IS THEREFORE ORDERED that the trial on this case is set on _____, 20__ at ___ o’clock __.m.

IT IS FURTHER ORDERED that Plaintiff’s deadline for designating experts is _____ and Defendants’ deadline for designating experts is _____.

SIGNED on this the _____ day of _____, 2015.

PRESIDING JUDGE