



Holders and 3,984 NOBOs via Certified Mail Return Receipt Requested in compliance with the requirements of Rule 106 of the Texas Rules of Civil Procedure. As of March 17, 2015, completed returns of service for 3610 unit holders had been filed with the Clerk of this Court. However, 540 mailings had been returned as “undeliverable” and 1403 others (collectively, the “Remaining Unit Holders”) had not been returned at all.

3. In order to effect service on these Remaining Unit Holders, this Court granted the Trustees’ Motion for Citation by Publication and Other Substituted Service and ordered that all Remaining Unit Holders be served both by publication in accordance with Texas Rule of Civil Procedure § 114 and § 116 and by notice letter. The required citation was published on April 13, 2015 and the notice letters were mailed on April 17, 2015. The time for these individuals to file an answer or appear in this suit has passed.

4. In addition, the estimated 800 OBOs’ identities could not be determined. In order to effect service of process as required under Texas Property Code § 115.011 on such persons, this Court granted Trustees’ Motion for Citation by Publication on the Unknown Beneficial Owners of the TEL Offshore Trust and ordered that all OBOs be served both by publication in accordance with Texas Rule of Civil Procedure § 114 and § 116 and by notice letter. The required citation was published on October 17, 2014 and the notice letters were mailed on November 19, 2014. The time for these individuals to file an answer or appear in this suit has passed.

5. Trustees' remain unable to confirm the identities and/or addresses of the Remaining Unit Holders or determine the identities of the OBOs other than those who have filed answers or appeared in this suit.

6. Texas Rule of Civil Procedure 244 requires the Court to appoint an attorney ad litem to represent the interests of persons whose identities or addresses are unknown and unascertained persons when service has been made by publication and no answer has been filed nor appearance entered within the prescribed time. *See also*, TEX. EST. CODE § 53.104 (West 2013) and TEX. PROP. CODE § 115.014 (2009). Moreover, where there is not a conflict of interest, an attorney ad litem may be appointed to represent the interests of a group of persons, like the Remaining Unit Holders and OBOs. TEX. PROP. CODE § 115.014(a).

7. There are a significant number of Remaining Unit Holders and OBOs who were served by publication and did not answer or appear in this suit within the prescribed time. As such, appointment of an attorney ad litem is required. There is no known conflict of interest that would preclude a single attorney ad litem from representing the interests of all of the Remaining Unit Holders and OBOs who have not answered or appeared in this suit.

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 ask the Court to enter an order appointing an attorney ad litem for the Remaining Unit Holders and

unknown Objecting Beneficial Owners of the TEL Offshore Trust who have not answered or appeared in this suit and for such other and further relief as they may be justly entitled.

Respectfully submitted,

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ATTORNEYS FOR TRUSTEES BANK OF  
NEW YORK MELLON TRUST COMPANY,  
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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 motion was served in accordance with the Texas Rules of Civil Procedure on this the 2nd day of June 2015.

/s/ Georgia L. Lucier  
Georgia L. Lucier