

**NO. D-1-GV-09-000007**

<b>THE STATE OF TEXAS</b>	§	<b>IN THE DISTRICT COURT OF</b>
	§	
<b>VS.</b>	§	<b>TRAVIS COUNTY, TEXAS</b>
	§	
<b>SOUTHERN STAR TITLE</b>	§	
<b>COMPANY, LLC</b>	§	<b>53RD JUDICIAL DISTRICT</b>

**APPLICATION FOR AUTHORITY**  
**TO USE ELECTRONIC SERVICE OF PLEADINGS AND NOTICES**

COMES NOW Jennifer Ramsey, PC, Special Deputy Receiver of Southern Star Title Company, LLC (“SDR” and “Southern Star,” respectively), and files this *Application to Use Electronic Service of Pleadings and Notices*.

**I. INTRODUCTION**

1. The SDR seeks Court authority to serve pleadings and notices in this receivership by email because it will save the estate money and provide for timely service to parties in interest. The SDR further requests authority to serve certain pleadings and notices, at its discretion, by any other means authorized by TEX. INS. CODE ANN. § 443.007, the Texas Rules of Civil Procedure or other order of this Court.

**II. BACKGROUND**

2. On January 8, 2009, the Court entered an Agreed Order Appointing Liquidator and Permanent Injunction placing Southern Star into receivership and appointing the Texas Commissioner of Insurance as Permanent Receiver. The Receiver designated Jennifer Ramsey, PC, SDR of Southern Star effective as of April 1, 2009.

3. The SDR is authorized to file this Application pursuant to TEX. INS. CODE ANN. § 443.151, which provides that the SDR is to conduct the business of the estate. The subject

matter of this Application has been referred to the Special Master appointed in this proceeding in accordance with Paragraph III of the Order of Reference to Master entered on January 26, 2009.

### **III. RELIEF SOUGHT**

4. Texas Rules of Civil Procedure 21a governs methods of service. It expressly states that, in addition to service by mail or fax, notice may be provided by “such other manner as the court in its discretion may direct.”

5. The SDR moves the Court to order all parties at interest filing any pleading, plea, motion, application to the court for an order, notices and any other matter required to be served in this case to serve them by email. The SDR proposes that it, through its undersigned counsel, maintain email addresses for all parties at interest and parties requesting notice in this case. The SDR shall be responsible for providing a copy of this Court’s Order regarding service and the current list of email addresses to all parties upon their appearance.

6. To the extent that a party in interest, party requesting notice or any other individual or entity seeking to file in this receivership proceeding cannot provide service by email or deems it necessary to use an alternative method of service, it may file a motion for leave of court seeking to use some other authorized method of service at the time it files the document with the Court.

7. Email service will allow the estate and all interested parties to save money on postage. It should provide for more timely and efficient delivery of pleadings and documents and will enable parties to be sure of their delivery and receipt.

8. Pursuant to TEX. INS. CODE ANN. § 443.007, the SDR shall require that any person or entity currently on the Service List for this estate to confirm that they desire to remain on the Service List and to provide an email address for future service.

#### **IV. NOTICE**

9. The SDR has served this application to all known parties in interest by regular mail, email, fax, hand delivery and/or overnight delivery.

#### **V. OFFER OF PROOF AND VERIFICIATION**

10. This Application has been verified as required by the Texas Rules of Civil Procedure by the affidavit and certification pursuant to TEX. INS. CODE ANN. § 443.017(b) by Jennifer Ramsey, president of Jennifer Ramsey, PC, Special Deputy Receiver of Southern Star.

#### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, the SDR respectfully requests that this Court:

1. Grant this Application;
2. Order that all parties in interest and parties requesting notice provide to the undersigned counsel to the SDR its email address;
3. Order that all parties in interest and parties requesting notice serve all pleadings, please, motions, application to the court for an order, notices and any other matter required to be served by email;
4. Order that the SDR, by the undersigned counsel, maintain a current list of email addresses for all parties and provide said list to all new parties;
5. Order the SDR to post on its website all documents filed in this receivership proceeding; and

6. Grant the SDR such other and further relief to which it may be justly entitled.

Respectfully submitted,

BRIAN E. RIEWE, P.C.  
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Austin, Texas 78759  
Telephone: 512/236-9955  
Facsimile: 512/236-9966

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Gregory C. Douglass  
State Bar No. 06049200

*Brian E. Riewe*

By: \_\_\_\_\_

Attorneys for the Special Deputy Receiver

## APPLICANT'S NOTICE OF SUBMISSION

Pursuant to the terms of the Amended Order of Reference to Master entered by the District Court in this cause, the *Application for Authority to Use Electronic Service of Pleadings and Notices* is hereby set for written submission before the Special Master, Tom Collins, on **Monday, October 26, 2009**.

The Special Master has asked that the following rules be provided you:

1. Any objection must be filed with the Travis County District Clerk at least three (3) calendar days before the submission date.
2. A copy of any objection shall be served by such date on:
  - (a) The Special Master's Docket Clerk, Ms. Jean Sustaita, Texas Department of Insurance, **(Hand Delivery)** 333 Guadalupe, Hobby Tower 3, Room 550, Austin, Texas; or **(Mail To)** P. O. Box 149104, Austin, Texas 78714-9104
  - (b) All interested parties, including those listed on the Applicant's Certificate of Service.
3. The written objection must specifically list all reasons for objection with supporting references to and discussion of statutory and case authorities. Reasons not stated in writing will not be considered orally.
4. If a matter is set for submission, an objecting party shall expeditiously coordinate with Applicant's counsel and the master's docket clerk [(512) 463-6450] to obtain an oral hearing, unless the master determines that an oral hearing is not necessary. The objecting party shall serve a Notice of Oral Hearing on applicant's counsel and all interested parties, including those listed on the Applicant's Certificate of Service.
5. Failure to file timely a written objection before the Special Master constitutes a waiver of the right to object to the Special Master's recommendation to the District Court.
6. Any Acknowledgment of Notice and Waiver to be filed by the Guaranty Association or other interested party should be filed at least three (3) calendar days before the submission or hearing date.

*Brian E. Riewe*

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Brian E. Riewe

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served on all interested parties in accordance with the Texas Rules of Civil Procedure and TEX. INS. CODE ANN. § 443.007(d) this 12th day of October 2009.

Mr. Tom Collins, Special Master  
by serving his Docket Clerk, Ms. Jean Sustaita  
Texas Department of Insurance  
333 Guadalupe, Tower III, 5th Fl., MC-305-1D  
Austin, Texas 78701  
VIA FACSIMILE: 512/490-1023  
Email: jean.sustaita@tdi.state.tx.us

Ms. John Walker  
Ms. Leanne Layne  
Ms. Rachel Giani  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714  
VIA FACSIMILE: 512/490-1023  
VIA FACSIMILE: 512/475-1843  
Email: john.walker@tdi.state.tx.us  
Email: leanne.layne@tdi.state.tx.us  
Email: rachel.giani@tdi.state.tx.us

Ms. Karen Pettigrew, Asst. Attorney General  
Attorney General's Office – Financial Litigation  
P.O. Box 12548  
Austin, Texas 78711-2548  
VIA FACSIMILE: 512/477-2348  
Email: karen.pettigrew@oag.state.tx.us

Mr. James E. Davis, Atty for Southern Star Title  
Locke, Lord, Bissell & Liddell, L.L.P.  
100 Congress Avenue, Suite 300  
Austin, Texas 78701  
VIA FACSIMILE: 391-4708  
Email: jdavis@lockelord.com

Mr. Bruce McCandless  
Mitchell, Williams, Selig, Gates & Woodyard  
106 E. 6th Street, Suite 300  
Austin, Texas 78701  
VIA FACSIMILE: 512/322-0301  
Email: bmccandless@mwlaw.com

Mr. Randall W. Hill  
Hill & Villarreal, P.C.  
719 S. Shoreline, Suite 300  
Corpus Christi, Texas 78401  
VIA FACSIMILE: 361/883-0612  
Email: rhill@hvlegal.com

Mr. Darryl Lemke  
Bank of South of Texas  
506 E. Dove Avenue  
McAllen, Texas 78504  
VIA FACSIMILE: 956/664-0954  
Email: darryl.lemke@bankofsouthtexas.com

Mr. Edmundo O. Ramirez, Atty for R. Ibanez  
Ellis, Koeneke & Ramirez  
1101 Chicago  
McAllen, Texas 78501-4822  
VIA FACSIMILE: 956/682-0820  
Email: eor@ekrattorneys.com

*Brian E. Riewe*

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Brian E. Riewe

THE STATE OF TEXAS

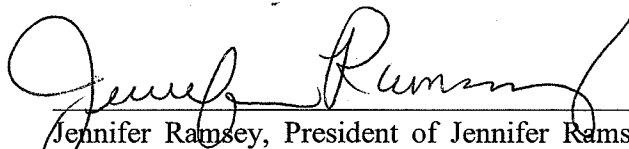
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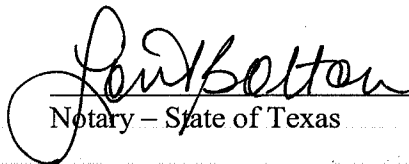
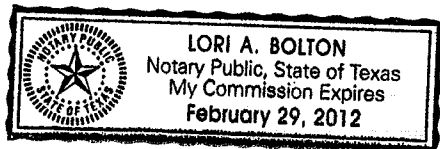
BEFORE ME, the undersigned authority appeared Jennifer Ramsey, who after being duly sworn by me, states the following under oath:

1. My name is Jennifer Ramsey. I am competent to make this affidavit. The statements of fact set forth herein are true and correct, and are within my personal knowledge.
2. I am the President of Jennifer Ramsey, PC, Special Deputy Receiver of Southern Star Title Company, LLC. I am duly authorized to make this certification and affidavit on behalf of the Special Deputy Receiver.
3. I further state that I have read the statements contained in the attached application and that they are true and correct based on my personal knowledge, my review of estate records and my consultation with my staff and sub-contractors.
4. Further affiant sayeth not.



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Jennifer Ramsey, President of Jennifer Ramsey, PC,  
Special Deputy Receiver of Southern Star Title  
Company, LLC

SWORN TO, SUBSCRIBED, and ACKNOWLEDGED BEFORE ME by Jennifer Ramsey,  
President of Jennifer Ramsey, PC, on this the 12<sup>th</sup> day of October, 2009.



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Notary - State of Texas