

Filed  
11 March 14 P2:28  
Amalia Rodriguez-Mendoza  
District Clerk  
Travis District  
D-1-GV-07-000009

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

THE STATE OF TEXAS	:	IN THE DISTRICT COURT
	:	
v.	:	TRAVIS COUNTY, TEXAS
	:	
SOUTHERN STAR TITLE COMPANY,LLC	:	53 <sup>RD</sup> JUDICIAL DISTRICT

**NOTICE OF APPEARANCE SUBJECT TO RULE 11 AGREEMENT**

COMES NOW Intervenor Falcon International Bank and files this Notice of Appearance subject to the Rule 11 agreement attached hereto and respectfully shows the Court the following:

1. Alison Haynes, State Bar No. 00794840, with the firm TREVIÑO VALLS HAYNES, LLP, 6909 Springfield Ave., Suite 200, Laredo, Texas, 78041, (956) 722-1417 (Telephone) and (956) 722-0647 (Facsimile) and Terry L. Scarborough, State Bar No. 17716000, with the firm HANCE SCARBOROUGH, LLP, 111 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 479-8888 (Telephone) and (512) 482-6891 (Facsimile), hereby enter an appearance as counsel of record for Falcon International Bank in this cause, subject to the Rule 11 agreement attached hereto as Exhibit A.

2. This appearance and designation of counsel is not being sought for the purpose of any delay.

WHEREFORE, Falcon International Bank requests that the Clerk of the Court and all parties note the appearance of Allison Haynes and Terry L. Scarborough, as counsel of record for Falcon International Bank, subject only to the Rule 11 agreement attached hereto as Exhibit A.

Respectfully submitted,

**TREVIÑO VALLS HAYNES, L.L.P.**



ALISON WHITE HAYNES  
State Bar of Texas No. 00794840  
6909 Springfield Ave., Suite 200  
Laredo, Texas 78041  
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Attorney for FALCON INTERNATIONAL  
BANK

**HANCE SCARBOROUGH, LLP**  
TERRY SCARBOROUGH  
State Bar of Texas No. 17716000  
111 Congress Avenue, Suite 500  
Austin, Texas 78701  
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E-mail: [tscarborough@hslawmail.com](mailto:tscarborough@hslawmail.com)

Counsel for FALCON INTERNATIONAL  
BANK

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record herein by way of:

- U.S. Mail, First Class
- Certified Mail
- Facsimile
- Federal Express
- Hand Delivery
- E-Service

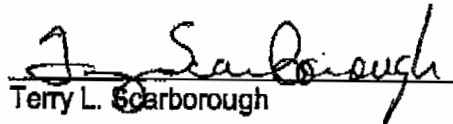
on this 14<sup>th</sup> day of March, 2011, to wit:

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 Brian E. Riewe, PC  
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Rogelio "Roy" Ibanez  
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 Edinburg, Texas 78539

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 McAllen, Texas 78504  
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[Ribanez0372@gmail.com](mailto:Ribanez0372@gmail.com)

  
 Terry L. Scarborough

# EXHIBIT A

Filed  
11 March 8 A10:54  
Amalia Rodriguez-Mendoza  
District Clerk  
Travis District  
D-1-GN-09-002120



**HANGE SCARBOROUGH, LLP**  
ATTORNEYS AND COUNSELORS AT LAW

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Founding Partner  
Direct: (512) 487-4006  
tscarborough@hslawmail.com

March 3, 2011

VIA EMAIL: [adouglass@riewelaw.com](mailto:adouglass@riewelaw.com)

Mr. Gregory C. Douglass  
Brian B. Riewe, P.C.  
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VIA EMAIL: [cbell@rrsfirm.com](mailto:cbell@rrsfirm.com)

Mr. Casey A. Bell  
Richards Rodriguez & Skelth, L.L.P.  
816 Congress Avenue, Suite 1200  
Austin, Texas 78701

Re: Cause No. D-1-GN-09-002120; Jennifer Ramsey, PC as Special Deputy Receiver of Southern Star Title Company, LLC v. Rogelio "Roy" Ibanez; In the 419<sup>th</sup> Judicial District Court of Travis County, Texas

Dear Greg and Casey:

The parties to this agreement are Jennifer Ramsey, PC as Special Deputy Receiver of Southern Star Title Company, LLC ("SDR"), Falcon International Bank ("Falcon") and Defendants Ibanez, Santo Andrei, Ltd, and Marico, Inc.. Pursuant to TEX. R. CIV. P. 11, the SDR and Falcon agree as follows:

1. To expedite a determination on pending matters, Falcon has requested and the SDR has agreed to a dual submission track with both Judge Jenkins and Tom Collins as Master in the Receivership proceeding. This agreement is not to be construed as any waiver by Falcon of: (i) its rights, position, or arguments in the above-styled matter; (ii) its position that Judge Jenkins is the appropriate trier of fact and law for this proceeding; or (iii) its position that Falcon is not subject to the Receivership proceeding. This agreement is not to be construed as any waiver by the SDR of: (iv) its rights, position, or arguments in the above-styled matter; (v) its position that the subject matter of Falcon's "Motion to Determine Insurer's Equity in Real Estate" has been referred to the Rule 171 master and that the "parties must proceed before the master with regard to" the subject matter of Falcon's Motion by virtue of the Order of Reference signed by Judge Orlinda Naranjo on or about January 23, 2009, in the receivership proceeding of Southern Star Title Co., LLC; or (vi) the SDR's position that Falcon is subject to the Receivership proceeding.

2. The SDR agrees that any filings or settings by Falcon in the Receivership proceeding, filed on or before Judge Jenkins rules on the issues identified in subparagraphs 1(ii) and 1(v), above, will not subject Falcon to the Receivership proceeding, and cannot be used

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against Falcon as a waiver of Falcon's rights and positions identified in subparagraphs 1(i), 1(ii) or 1(iii), above. Falcon agrees that any filings or settings by the SDR in Cause No. D-1 GN-09-002120, Jennifer Ramsey, PC v. Ibanez, et al, in the 419<sup>th</sup> District Court, filed on or before Judge Jenkins rules on the issues identified in subparagraphs 1(ii) and 1(v), above, will not constitute a waiver of the SDR's position identified in subparagraph 1(v), above, and cannot be used against the SDR as a waiver of the SDR's rights and positions identified in subparagraphs 1(iv), 1(v) or 1(vi), above.

3. The parties have agreed to set (i) Plaintiff's Motion to Enforce the Order of Reference and (ii) Falcon's Motion to Determine Insurer's Equity in Real Estate for hearing on April 26, 2011 at 2:00 p.m. before the Honorable Scott Jenkins. The parties agree 3(i) will be heard before 3(ii). The setting of 3(ii) will be cancelled if Judge Jenkins grants Plaintiff's Motion to Enforce the Order of Reference.

4. Subject to Judge Jenkins' ruling on Plaintiff's Motion to Enforce, the parties have agreed, to set Falcon's Motion to Determine Insurer's Equity in Real Estate for hearing before Tom Collins, Master, on April 27, 2011 at 9:00 a.m.

5. The briefing schedule for Plaintiff's Motion to Enforce the Order of Reference is as follows:

March 4, 2011 - Plaintiff will file its Motion to Enforce the Order of Reference

March 11, 2011 - Falcon will file its Response to the Motion to Enforce the Order of Reference

March 18, 2011 - Plaintiff will file its Reply to Falcon's Response to the Motion to Enforce the Order of Reference

March 25, 2011 - Falcon will file its Sur-Reply to Plaintiff's Motion to Enforce the Order of Reference

6. The briefing schedule for Falcon's Motion to Determine Equity is as follows:

March 10, 2011 (by 2:00 p.m.) - Plaintiff will file and serve its Response to the Motion to Determine Equity

March 25, 2011 - Falcon will file its Reply to Plaintiff's Response to the Motion to Determine Equity

March 28, 2011 - Plaintiff will file its Sur-Reply to Falcon's Reply to the Motion to Determine Equity

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7. Subject to Judge Jenkins' ruling on Plaintiff's Motion to Enforce, the briefing schedule for Falcon's Motion to Determine Equity filed in the Receivership Court, pursuant to this Rule 11 agreement, is as follows:

March 14, 2011 – Falcon will file its Motion to Determine Equity and serve a copy to the Master pursuant to the Order of Reference

March 25, 2011 – Plaintiff will file its Objection to Falcon's Motion to Determine Equity and serve a copy to the Master pursuant to the Order of Reference

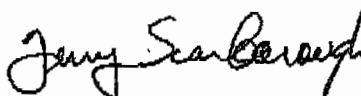
8. The hearings currently set for March 30 and 31, 2011 will be passed.

9. Defendants Ibanez, Santo Andrei, Ltd, and Matico, Inc, agree that in exchange for passing the March 31, 2011 hearing, that the Temporary Restraining Order will be extended until May 12, 2011. Falcon is not opposed to the extension of the Temporary Restraining Order through May 12, 2011 subject to its Motion to Determine Equity. Falcon agrees that it will not foreclose on any property subject to the Temporary Restraining Order pending a ruling by the Court on the Motion to Determine Equity.

10. The parties agree that all pleadings filed in this matter will be served on the opposing party by e-service, e-mail, or hand delivery.

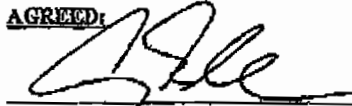
If this accurately reflects our agreement, please sign as indicated and return to me for filing with the Court.

Sincerely,

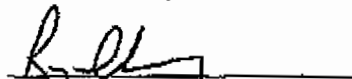


Terry L. Scarborough

AGREED:



Gregory C. Douglass / Casey A. Bell  
Attorneys for Jennifer Ramsey, PC, as  
Special Deputy Receiver of Southern  
Star Title Company, LLC



Rogelio "Roy" Ibanez  
Attorney for Defendants Ibanez, Santo Andrei, Ltd, and Matico, Inc.

