

STATE OF TEXAS,  
Plaintiff

v.

AMERITRUST TITLE COMPANY  
Defendant

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IN THE DISTRICT COURT OF  
  
TRAVIS COUNTY, TEXAS  
  
261st JUDICIAL DISTRICT

**ORDER GRANTING SPECIAL DEPUTY RECEIVER'S TURNOVER  
APPLICATION [ENTERPRISE BANK]**

The Court considered the Turnover Application [Enterprise Bank] (the "Turnover Application"). filed by CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Ameritrust Title Company, (the "SDR" and "Ameritrust" respectively).

Filed in The District Court  
of Travis County, Texas

JAN 20 2011 BP  
1140 P.M.  
At Amalia Rodriguez-Mendoza, Clerk

Having considered the Turnover Application, the Court finds as follows:

1. The *Order of Reference to Master* ("Order of Reference") entered by this Court on August 22, 2008 provides that applications filed pursuant to TEX. INS. CODE § 443.007 are referred to the Special Master appointed in this proceeding;
2. Notice of the Turnover Application was provided in accordance with TEX. INS. CODE § 443.007 (d) and the *Order of Reference*;
3. An Objection to the Turnover Application was filed by Commonwealth Land Title Insurance Company;
4. An Objection to the Turnover Application was filed by Jose Milton Villelas;
5. The Texas Title Insurance Guaranty Association ("TTIGA") appeared in support of the Turnover Application;
6. Enterprise Bank interplead \$64,621.18 into the Registry of the Court and was dismissed from this matter by this Court's August 16, 2010 *Agreed Order Granting*

*Interpleader and Dismissing Enterprise Bank;*

7. On September 7, 2010, the Special Master conducted a hearing on the Turnover Application at which appeared counsel for the SDR, TTIGA, Mr. Villelas and Commonwealth. The Master admitted evidence and heard testimony. All parties were offered an opportunity to submit additional briefing;
8. On January 5, 2011, the Special Master issued his *Memorandum Recommendation* recommending that the Turnover Application be granted;
9. The Special Master has issued a recommendation that the Turnover Application should be granted. Pursuant to Rule 171 of the Texas Rules of Civil Procedure, over ten (10) days have passed since the issuance of the recommendation, no objections to it have been filed and the time for Respondents to seek *de novo* review in the District Court has expired;
10. The Court has jurisdiction over the Application and the parties affected hereunder;  
and
11. The Turnover Application should be GRANTED in all respects.


IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. The Turnover Application is GRANTED.
2. The objections to the Turnover Application filed by Mr. Villelas and Commonwealth are DENIED.
3. This order is without prejudice to the rights, if any, of TTIGA regarding the interplead funds.
4. The Clerk of the Court is ordered to pay all funds held in the Registry of the Court regarding this matter to CANTILO & BENNETT, L.L.P., solely in its capacity as Special

Deputy Receiver of Ameritrust Title Company.

5. Nothing in this Order or any related order or filing shall affect, in any way, the immunities from suit of the Receiver and the SDR and shall not give rise to any right to sue or create any causes of action against the Receiver and the SDR. The Order is not intended to and shall not create any third party beneficiaries.
6. This Order constitutes a final judgment fully resolving all issues relating to the Turnover Application, provided that this Court shall retain jurisdiction to issue further orders pursuant to TEX. INS. CODE Chapter 443. This Order does not modify any of the terms or provisions of this Court's Agreed Order Appointing Liquidator and Permanent Injunction.

Signed on January 20, 2011.

  
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JUDGE PRESIDING