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To: Rudy Cano, David Kitner and Randall Rouse
From: Scott Mackenzie
Date: 2.25.2008
Re: Brazoria matter

Gentlemen,

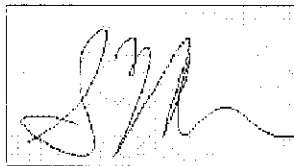
After extensive discussions with my client and the folks involved in his claims and Mr. Conner, we have decided that further pursuit of this lawsuit is no longer useful.

I have attached a copy of the filed motion and order for non-suit.

I apologize for the suddenness of this motion and order, however I am sure you understand the difficulty in getting agreement among all the various participants.

I look forward to terminating this suit and I wish you all well in future matters.

By:



Donald Scott Mackenzie
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dallaslaw@gmail.com

NO. 39329

FRANK TRUSKA, et. al.
Plaintiff,

V.

TOM DURHAM, et.al.
Defendant.

§ **IN THE DISTRICT COURT**
§
§
§ **412ST JUDICIAL DISTRICT**
§
§
§ **OF BRAZORIA COUNTY, TEXAS**

PLAINTIFF'S JOINT MOTION FOR NON SUIT

NOW COMES Plaintiffs Frank Truska and Andrew Guill, and file this Motion Joint Motion for Nonsuit and would respectfully show unto the following:

I.

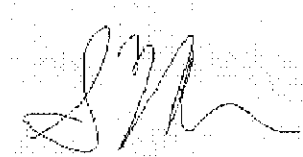
Plaintiffs Frank Truksa and Andrew Guill no longer wish to prosecute this suit because they believe that further prosecution of this suit would not be in the best interest of Plaintiffs.

Plaintiffs therefore file this joint motion for non suit dismissing all claims against Defendant in this case without prejudice.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully requests that the Court enter an order granting their Motion for Nonsuit and dismissing their claims against Defendant without prejudice.

Respectfully submitted,

By:



02/25/2008 02:47

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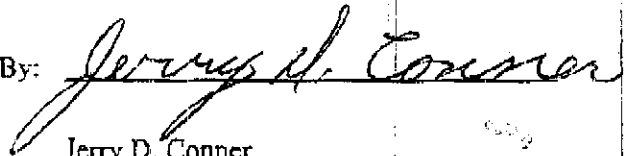
JERRY CONNER

PAGE 00/05

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ATTORNEYS FOR PLAINTIFF GULL

By:



Jerry D. Conner
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Tel 713.465.1026
Fax. 713.461.1515

ATTORNEY FOR PLAINTIFF TRUSKA

CERTIFICATE OF SERVICE

On this 25th day of Feb 2008, a copy of the foregoing was served on counsel of record as set forth below:

Defense Counsel represents**Property Owners Association Terlingua Ranch, Inc. (POATRI)****Rudy Cano** (Texas Bar No. 03757075)

Vahldiek Cano & Petroski

1600 Smith Suite 4050

Houston, TX 77002

(713)650-3200 Ext. 115

(713)650-0251 fax rudy.cano@votexlaw.com**Defense Counsel represents the six defendant directors and general manager:****David N. Kitner** (Texas Bar No. 11541500)**Jadd F. Masso** (Texas Bar No. 24041411)

Strasburger & Price, LLP

901 Main Street, Suite 4400

Dallas, TX 75202

(214)651-4300

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Defense Counsel represents the two lawyer defendants, Nehring & Meade:**Randall L. Rouse** (Texas Bar No. 17324300)

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ATTORNEYS FOR PLAINTIFF

02/25/2008 02:47

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JERRY CONNER

PAGE 01/05

NO. 39329

FRANK TRUSKA, et. al.
Plaintiff,

v.

TOM DURHAM, et.al.
Defendant.

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IN THE DISTRICT COURT
412ST JUDICIAL DISTRICT
OF BRAZORIA COUNTY, TEXAS

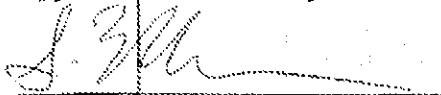
ORDER ON PLAINTIFF'S JOINT MOTION FOR NONSUIT

After consideration of Plaintiff's Joint Motion for Nonsuit, the court GRANTS the motion. It is therefore Ordered Adjudged and Decreed that all claims of Plaintiffs are dismissed without prejudice with each party bearing their respective costs of court incurred.

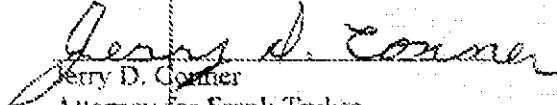
SIGNED on _____, 2008.

JUDGE PRESIDING

Approved as to form only



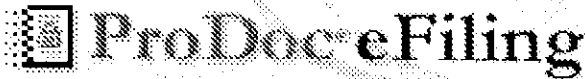
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ORDER OF PLAINTIFF'S MOTION TO DISMISS

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Date:	Time Timezone:
Monday, February 25, 2008	3:30 PM Central (U.S. and Canada)

Fee	Est.Amount	Payment Information
Filing Fees:		
Brazoria District eFiling Fee	\$2.00	Payment Method: Credit Card Address: 7911 Forest Trail Dallas, TX 75238
PLEADING - NO FEE	\$0.00	
ProDoc, Inc.:		
eFiling/eService Fee	\$1.00	Credit Card #: XXXX XXXX XXXX 7028 Cardholder Name: Scott Mackenzie
8.25% Sales Tax	\$0.08	
TexasOnline Processing Fees:		
TxO Processing Fee	\$4.16	
Total Estimated Fees:		\$7.24

Personal Information

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Filing Information

Case Title: Frank Truska, et. al. v. Tom Durham, et. al.
Case Description: 39329
Sealed Case: No
County Name: Brazoria
Court Type: District
Cause Number: 39329
Document Type: PLEADING - NO FEE
Special Instructions:
Please contact me at 214.770.5491 with any questions or concerns. Thank you!

Document Information

Total Pages: 4
Document Being Filed:
 amended joint motion for nonsuit.pdf

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