

# Late Backup

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May 24, 2010

Mr. Greg Guernsey, Director  
Planning and Development Review  
City of Austin  
P.O. Box 1088  
Austin, Texas 78701

*Via Email: [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)*

Mr. Mark Walters  
Planning and Development Review  
City of Austin  
P.O. Box 1088  
Austin, Texas 78701

*Via Email: [mark.walters@ci.austin.tx.us](mailto:mark.walters@ci.austin.tx.us)*

Re: C14-2010-0048; Rezoning of Tract 32

Dear Mr. Guernsey and Mr. Walters:

Rundberg Business Park, L.P. is the owner of an approximately 24.01 acre tract of land. The City of Austin has identified an approximately 22 acre portion of this land as Tract 32 in City zoning case C14-2010-0048. Rundberg Business Park is an affiliate of Triton Financial Service. By previous correspondence to the City dated January 20, 2010, the City was informed that this 24.01 acre parcel, including the 22 acre Tract 32, is subject to the Triton Financial Services receivership: *Securities and Exchange Commission v. Triton Financial, LLC, et al.* (the "Triton Entities") in Civil No. A-09-CA924-JN (the "Receivership") in the United States District Court for the Western District of Texas, Austin Division (the "Court").

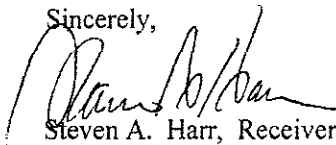
On May 17, 2010, M'Lou Bell sent a letter to the City of Austin protesting the proposed re-zoning of a portion of Tract 32 as SF-6. This letter serves as my ratification, as the receiver, of Ms. Bell's letter. I have now learned that City staff is recommending that the City Council down zone a 1.39 acre portion of Tract 32 that fronts onto Rundberg Lane. As you know, the City just rezoned this parcel in August, 2008 to GR-MU-CO.

At its May 11, 2010 meeting, the Austin Planning Commission recommended that the City Council rezone this 1.39 acre portion of Tract 32 to LR-V-CO-NP. As the receiver for the Triton Entities, I hereby protest, pursuant to Section 211.006, Texas Local Government Code, any rezoning of this 1.39 acre portion of Tract 32. *Any down zoning of Tract 32 will be harmful to the value of the subject property and, therefore, the Receivership and is prohibited by the Court's December 22, 2009 order.* At this time I ask you to revisit the enclosures with the January 20, 2010, letter from Robert Kleeman to the city of Austin and, in particular, the scope of the Court's order that no action be taken to harm or devalue any of the assets of the Receivership.

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If you have any questions regarding this letter or the protest of the rezoning of land owned by Rundberg Business Park, L.P., please contact the designated agent in this matter, Robert Kleeman at 391-6115.

Sincerely,



Steven A. Harr, Receiver

MPB/dlr

cc: M'Lou Bell