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February 17, 2009

Ms. M. Karinne McCullough  
Clerk, First Court of Appeals  
1307 San Jacinto, 10th Floor  
Houston, Texas 77002

*Via Hand Delivery*

Re: No. 01-06-00798-CV, *FCLT Loans Asset Corp., et al., Appellants v. First City Financial Corp., Appellee*, in the First Court of Appeals.

Dear Ms. McCullough,

I write to you today on behalf and at the request of all counsel to this appeal. On December 31, 2008 all counsel filed a joint and agreed motion concerning a mediated settlement that mediator Michael S. Walk negotiated in the above-referenced case. To date the Court of Appeals has neither granted nor ruled upon that motion. All appellate counsel would like to let the Court of Appeals know that we are prepared to answer any questions of law or fact or provide the Court of Appeals with any information, factual or legal, that could assist the Court in addressing any questions or concerns about this settlement agreement and the joint and agreed motion. Please advise us if we can help.

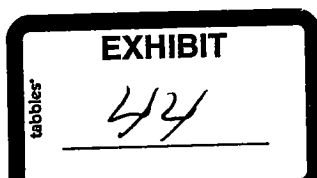
I certify that am serving a true copy of this letter of concern to all counsel of record today at the fax numbers below via fax.

Please acknowledge receipt of the above by placing your file stamp on the extra copy and return same to me via our messenger. By copy of this letter, I am forwarding a copy of the enclosed to opposing counsel of record. Thank you for your assistance in this matter.

Sincerely,



David A. Furlow



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DAF\md  
Enclosure

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