

EXHIBIT C

FRANCO MOTION TO WITHDRAW AS COUNSEL

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NO. 03-01-00267-CV

EMERSON HOME BUYERS ASSOCIATION, AS INFORMAL ASSOCIATION OF AND APRIL UNDERWOOD, ET AL. Plaintiffs,	§	IN THE DISTRICT COURT
	§	
V.	§	410TH JUDICIAL DISTRICT
	§	
EMERSON MANUFACTURED HOMES, LTD., ET AL Defendants.	§	OF MONTGOMERY COUNTY, TEXAS

MOTION FOR WITHDRAWAL OF COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Movant, Ruben Franco, Jr., Attorney for Defendants, The Home Center, LTD and Tide Murray, (hereinafter Defendants), and brings this Motion for Withdrawal of Counsel, and in support thereof, shows the Court the following:

I.

Good cause exists for withdrawal of Movant as counsel because Movant is unable to effectively represent said Defendants in a manner consistent with good attorney-client relations. Specifically, Defendant's instructions do not enable Movant to adequately participate in this case. As such, at this time, Movant does not feel he can adequately represent said Defendants given such instruction and as a result there is a conflict.

II.

The settings and deadlines in this case are as follows:

1. Status Conference January 24, 2005 with Judge Mayes @ 8:15 a.m.
Court requests all counsel e-file a letter on or before 5:00 p.m., Tuesday January 18, 2005 that lists each motion or other matter proposed should be heard on that date.

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2. See attached exhibits "A" and "B" titled, Case Management Order and First Amended Case Management Order (yet unsigned), respectively.

IV.

This Motion is not sought for the purposes of delay.

V.

A copy of this motion bearing the enclosed notice has been delivered to the last known addresses of Defendants.

The Home Center, LTD
405 N. Loop 336
Conroe, Texas 77301

Tide Murray
5105 Sleepy Pt.
Willis, Texas 77318

VI.

Defendants are hereby notified in writing of the right to object to this motion.

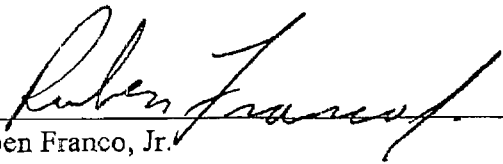
NOTICE

You are hereby notified that this Motion for Withdrawal of Counsel is set for hearing at the time and place set out below. You do not have to agree to this motion. If you wish to contest the withdrawal of Ruben Franco, Jr. as your attorney, you should appear at the hearing. If you do not oppose Ruben Franco, Jr.'s withdrawal as your attorney, you may notify Ruben Franco, Jr. in writing of your consent to this motion.

WHEREFORE, PREMISES CONSIDERED, Movant prays that the Court enters an order discharging Movant as attorney of record for Defendants, The Home Center, LTD and Tide Murray, and for such other and further relief that may be awarded at law or in equity.

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Respectfully submitted,

By:  _____
Ruben Franco, Jr.

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Attorney for Defendants

The Home Center, LTD and Tide Murray

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