

FILED
06 APR -3 PM 1:26
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL
BY _____

United States District Court

EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SUMMONS IN A CIVIL ACTION

DATA TREASURY CORPORATION

VS.

CIVIL ACTION NO. 2:06CV72 (DF)
JURY DEMAND

WELLS FARGO & COMPANY ET AL

TO: Defendant, **First Citizens Bancshares, Inc.**, by serving its registered agent for service, Lewis Holding, 239 Fayetteville Street Mall, Raleigh, North Carolina 27601

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFFS' ATTORNEY:

Edward L. von Hohn
Nix, Patterson & Roach, LLP
205 Linda Drive
Daingerfield, Texas 75638
903-645-7333

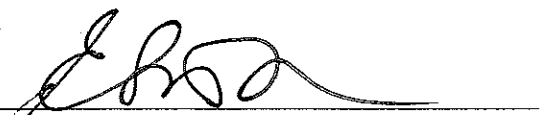
an answer to the complaint which is herewith served upon you, within **20** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint

DAVID J. MALAND, CLERK

MAR 24 2006

Clerk

Date



By Deputy

AO 440 (Rev. 5/85) Summons In a Civil Action

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE <u>3/27/06</u>
NAME OF SERVER <u>Moni King</u>	TITLE <u>SR PARALEGAL</u>

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served: _____
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____
- Other (specify): CMRER 7003 1680 0007 3529 2940

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 3/29/06 Moni King
 Date Signature
 SR. PARALEGAL
 NIX PATTERSON & ROACH LLP
 205 LINDA DRIVE
 DAINGERFIELD, TEXAS 75638
 Address of Server

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 First Citizens Bancshares, Inc
 Lewis Holding
 239 Fayetteville Street Mall
 Raleigh NC 27601

2. Article Number
 (Transfer from service label)
7003 1680 0007 3529 2940

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

B. Received by (Printed Name)
Kelly West

C. Date of Delivery
3-27-06

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt
 Registered Mail Only; No Insurance Coverage Provided

Official Postmark: DAINGERFIELD, TEXAS MAR 24 2006 15638

Postmark Here

USPS

First Citizens Bancshares, Inc.
 Lewis Holding
 239 Fayetteville Street Mall
 Raleigh NC 27601