

FILED-CLERK
DISTRICT COURT

05 APR -3 PM 1:26

TX EASTERN-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 Bank & Trust Company**, by serving its registered agent for service, James B. Hyler, Jr., 239 Fayetteville Street, Raleigh, North Carolina 27601

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

PLAINTIFFS' ATTORNEY:

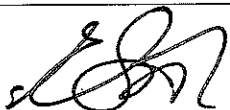
Edward L. von Hohn
Nix, Patterson & Roach, LLP
205 Linda Drive
Daingerfield, Texas 75638
903-645-7333

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 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): C.M.R.R. 7003 1680 0007 3529 2957

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 of Server

MONICELESTE KING
SR. PARALEGAL
NIX PATTERSON & ROACH LLP
205 LINDA DRIVE
DAINGERFIELD, TEXAS 75638
Address of Server



SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to:
First-Citizens Bank & Trust Co.
James B. Hyley, Jr
239 Fayetteville Street
Raleigh NC 27601

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Kelly West

B. Received by (Printed Name) Kelly West C. Date of Delivery 3-27-06

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

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

4. Restricted Delivery? (Extra Fee) Yes

Official Use

Postmark Here
DAINGERFIELD TX 75638
MAR 24 2006
 USPS

zens Bank & Trust Co.
 Hyley, Jr.
 239 Fayetteville Street
 Raleigh NC 27601

Instructions