

FILED - CIVIL
DISTRICT COURT
06 APR -3 PM 1:26
THE CLERK OF COURT
MARSHALL

United States District Court

EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BY _____

SUMMONS IN A CIVIL ACTION

DATA TREASURY CORPORATION

VS.

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

WELLS FARGO & COMPANY ET AL

TO: Defendant, **M&T Bank**, by serving its registered agent for service,
President and Chief Executive Officer, Robert E. Sadler, Jr., One M&T
Plaza, Buffalo, New York 14203-2399

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.

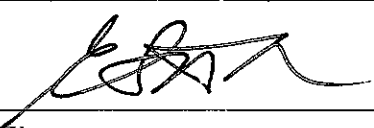
DAVID MALAND, CLERK

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 3015

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 [Signature]
 Date Signature of Server
 MONI CELESTE KING
 SR. PARALEGAL
 NIX PATTERSON & ROACH LLP
 205 LINDA DRIVE
 DALLAM COUNTY, TEXAS 75638
 Address of Server



SENDER: COMPLETE THIS SECTION

1 Article Addressed to:
 M&T Bank
 Pres & CEO Robert E Sadler, Jr
 One M&T Plaza
 Buffalo NY 14203-2399

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 GLORIA GILYARD Agent Addressee

B. Received by (Printed Name) Gloria Gilyard C. Date of Delivery MAR 29 2006

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

For more information visit our website at www.usps.com

OFFICIAL USE

\$ _____

Postmark Here mk

nk
 CEO Robert E. Sadler, Jr
 T Plaza
 NY 14203-2399