

WELLS FARGO  
DISTRICT OFFICE

06 APR -3 PM 1:26

TY EASTERN DISTRICT OF TEXAS

# 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 Corporation**, by serving its registered agent for service, Richard A. Lammert, One M&T Plaza, 12th Floor, Buffalo, New York 14203-2399

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

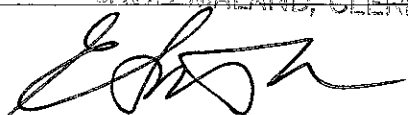
PLAINTIFFS' ATTORNEY:

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

\_\_\_\_\_  
Clerk

DAVID MALAND, CLERK



\_\_\_\_\_  
By Deputy

\_\_\_\_\_  
Date

MAR 24 2006

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

**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me<sup>1</sup>

DATE 3/27/06

NAME OF SERVER MONI KING

TITLE Sr. Paralegal

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): CM RLL 7003 1680 0007 3529 3008

**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  
Date

Moni King  
Signature of Server

MONI CELESIE KING  
SR. PARALEGAL  
NIX PATTERSON & ROACH LLP  
205 LINDA DRIVE

Address of Server  
DAINGERFIELD, TEXAS 75638

U.S. Postal Service™ M&T Bank  
**CERTIFIED MAIL™ RECEIPT**  
(Restricted Mail Only; No Insurance Coverage Provided)

**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:

M&I Bank Corporation  
Richard A. Lammert  
One M&I Plaza 12th Floor  
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 3/27/2006

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

For more information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

M&T Bank  
Postmark Here

M&I Bank Corporation  
Richard A. Lammert  
One M&I Plaza 12th Floor  
Buffalo NY 14203-2399

Instructions

2. Article Number

(Transfer from service label)

7003 1680 0007 3529 3008