

CITATION BY PUBLICATION – CIVIL

Cause Number: 20-03-04069-CV

Clerk of the Court Attorney Requesting Service

Melisa Miller Branch M Sheppard

P.O Box 2985 1301 McKinney Ste 1400

Conroe, Texas 77305 Houston TX 77010

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney does not file a written answer

with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of forty-two days after the date of issuance

of this citation and petition, a default judgment may be taken against you."

To: Birdie Dempsey

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before 10:00 A.M. of the Monday

next after the expiration of forty-two days after the date of issuance of this citation the same being Monday, the 1st day of March, 2021

before the 284th Judicial District Court of Montgomery County, Texas at the Courthouse of said County in Conroe, Texas. Said Plaintiff's

Original Petition was filed in said court on this the 20th day of November, 2020, in this case, numbered 20-03-04069-CV on the docket of said court.

The names of the parties to the cause are as follows:

Frank Smith are Plaintiffs and Birdie B Dempsey; David Dempsey are Defendants

A brief statement of the nature of this suit is as follows, to wit:

This lawsuit seeks reformation of the December 13, 2013 General Warranty Deed and to quiet title as to real property at 20880 Northgate Lane, Porter, Texas 77365 incorrectly described in the General Warranty Deed as:

BEING A 0.1322 OF ONE ACRE (5,759 SQUARE FEET) PARCEL OF LAND, LOCATED IN THE LEVI JAMES SURVEY, ABSTRACT NO. 292, SITUATED IN MONTGOMERY COUNTY, TEXAS, AND BEING OUT OF COMMERCIAL RESERVE, BLOCK 1 OF LAKEWOOD COLONY, AN UNRECORDED SUBDIVISION, SAID COMMERCIAL RESERVE BEING CONVEYED TO DAVID W. MOORE, ET AL., AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL INTENTS AND PURPOSE.

Plaintiff seeks to reform the deed to correctly legally describe the property as follows:

BEING 0.284 OF AN ACRE (12,353 SQUARE FEET) OF LAND SITUATED IN THE LEVI JAMES SURVEY, ABSTRACT NO. 292, MONTGOMERY COUNTY, TEXAS AND BEING ALL OF RESERVE "A" OF LAKEWOOD COLONY, AN UNRECORDED SUBDIVISION; SAID 0.284 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE APART HEREOF FOR ALL INTENT AND PURPOSE.

Exceptions to Conveyance and Warranty: Save and Except the real property described Montgomery County Clerk's File No. 2006127267, Real Property Records: BEING A 0.1322 OF ONE ACRE (5,759 SQUARE FEET) PARCEL OF LAND, LOCATED IN THE LEVI JAMES SURVEY, ABSTRACT NO. 292, SITUATED IN MONTGOMERY COUNTY, TEXAS, AND BEING OUT OF COMMERCIAL RESERVE, BLOCK 1 OF LAKEWOOD COLONY, AN UNRECORDED SUBDIVISION, SAID COMMERCIAL RESERVE BEING CONVEYED TO DAVID W. MOORE, ET AL., (NO RECORD DEED FOUND), SAID 0.1322 OF ONE ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: SEE EXHIBIT "B" ATTACHED HERETO AND MADE APART HEREOF FOR ALL INTENT AND PURPOSE.

Plaintiff requests that this Court enter its Order and Judgment reforming the December 21, 2013 General Warranty Deed to contain the Correct Legal Description for the Property. Plaintiff fully states his claims in the Original Petition.

as is more fully shown by Plaintiff's Original Petition on file in this suit.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due as the law directs.

Issued and given under my hand and the Seal of said Court, at office in Conroe Texas, this on this the 13th day of January, 2021.

Melisa Miller, District Clerk

Montgomery County, Texas

By: /s/Sarah Introliator

Sarah Introliator