

CAUSE NO. 1261

THE JOHN G. and MARIE  
STELLA KENEDY MEMORIAL  
FOUNDATION

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IN THE DISTRICT COURT OF

V.

KENEDY COUNTY, TEXAS

SYLVIA MENCHACA BALLÍ  
AGUILERA, ET AL.

105<sup>TH</sup> JUDICIAL DISTRICT

MOTION TO CHANGE VENUE

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, ROSA MARIA AGUILAR, ET AL., and pursuant to Texas Rule of Civil Procedure 257 file this, their Motion to Change Venue in the above-referenced matter and in support thereof, would show unto the court as follows:

**INTRODUCTION**

1. Movants herein, ROSA MARIA AGUILAR, ET AL., cannot get a fair trial in Kenedy County, Texas because of local prejudice. The inability of Movants and all the heirs of Jose Manuel Ballí Villarreal to obtain a fair and impartial trial in Kenedy County is so severe that it would violate the due process clause of the Fourteenth Amendment to the U.S. Constitution as well as the due course of law provision in art. 1, §19 of the Texas Constitution if the trial of this cause were to occur in Kenedy County, Texas.

**TEXAS RULE OF CIVIL PROCEDURE 257**

2. Texas Rule of Civil Procedure 257 is the procedural mechanism to protect persons such as Movants who are unable to obtain a fair and impartial trial because of local prejudice. Rule 257 is set forth in its entirety as follows:

A change of venue may be granted in civil causes upon motion of either party, supported by his own affidavit and the affidavit of at least three credible persons, residents of the county in which the suit is pending, for any following cause:

9:00 AM A.  
AUG 20 2001  
105TH  
CLERK  
BY *Desouza Vela*

- (a) That there exists in the county where the suit is pending so great a prejudice against him that he cannot obtain a fair and impartial trial.
- (b) That there is a combination against him instigated by influential persons, by reason of which he cannot expect a fair and impartial trial.
- (c) That an impartial trial cannot be had in the county where the action is pending.
- (d) For other sufficient cause to be determined by the court.

3. By this motion, ROSA MARIA AGUILAR, ET AL., invoke the protections of Texas Rule of Civil Procedure 257 subsections (a), (b), (c), and (d) so that justice may be done.

4. This motion is supported by the enclosed client affidavits of Fred Ballí (Exhibit "A") and Joe Ballí (Exhibit "B"). This motion is also supported by the affidavits of five credible persons, all of whom are residents of Kenedy County: Evangelina Salazar (Exhibit "C"); Johnny M. Salazar (Exhibit "D"); Gloria Salazar (Exhibit "E"); JoAnn Salazar (Exhibit "F"); and Jennifer Salazar (Exhibit "G"). This motion is further supported by Exhibit "H", which consists of pages 1515-1516 from Volume Two of the 2001 edition the Texas Legal Directory, the Official Directory of the State Bar of Texas. Exhibits "A" – "H" are hereby incorporated herein for all purposes as if set forth at length and establish as a matter of law that a fair and impartial trial of the issues presented in this litigation is not possible in Kenedy County, Texas. *Acker v. Denton Publ'g Co.*, 937 S.W.2d 111, 118 (Tex.App.—Fort Worth 1996, n.w.h.).

5. This motion was duly filed because counsel for Movants recently filed an appearance in this case and filed this motion as soon as the local prejudice became known and could be substantiated by affidavits. This motion is also duly filed because of the further prejudice and delay<sup>1</sup> to Movants caused by the Kenedy Foundation's defective pleadings, which

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<sup>1</sup> In April and May of this year, various parties filed Special Exceptions to the defective pleadings of the Kenedy Foundation and these matters were presented to the court on June 26, 2001. At said hearing, Jorge Rangel, lead counsel for the Foundation stated on the record in open court that his client would "re-plead within thirty (30) days

to date still have not been cured by re-pleading this case as a trespass to try title action as required by Chapter 22 of the Texas Property Code.<sup>2</sup>

6. The population of Kenedy County is under 500 persons, including children. (Exhibits "C" - "G") Census data for the year 2000 reveals that the population of Kenedy County is only 414 persons. (Exhibit "H"). Since all children and unregistered adults are excluded from serving as a potential juror, the actual jury pool from which to pick a jury is in fact far less than 414 persons. Therefore, there are simply not enough people in Kenedy County from which to pick a fair and impartial jury panel in a case of this magnitude.<sup>3</sup>

7. The Kenedy Foundation is by far the largest landholder and employer in Kenedy County. A majority of the people in Kenedy County either directly and/or indirectly depend on the Kenedy Foundation to earn a living. (Exhibits "A" - "G"). The Kenedy Foundation is also very influential in Kenedy County both politically and economically. (Exhibits "A" - "G"). Many, if not all of the jury array, will be employed by the Foundation or indirectly benefited from employment with the Foundation, i.e. married to an employee, the legal dependant of an employee and/or dependent on conducting business with the Kenedy Foundation. (Exhibits "A" - "G"). Therefore, Movants and all the heirs of Jose Manuel Ballí Villarreal cannot get an impartial trial if the trial of this cause is conducted in Kenedy County.

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without the necessity of an order." Based upon this representation, the agreed upon deadline for the Kenedy Foundation to cure their pleadings was July 26, 2001.

<sup>2</sup> The Kenedy Foundation's live pleadings are contained in their Second Amended Original Petition, which in ¶ 2 page 12 states "This Claim is brought pursuant to the provisions of Chapter 37 of the Texas (sic) Practice and Remedies Code, V.A.T.S., styled the Uniform Declaratory Judgment Act." In ¶ 2 the Foundation further states "This plaintiff seeks adjudication of property rights." In *Ely v. Briley*, 959 S.W.2d 723, 727-728 (Tex.App.—Austin, 1998 n.w.h.), the court held that Texas Property Code § 22.001 is the exclusive remedy by which to resolve competing claims to property. Texas Property Code § 22.001(a) is clear that "a trespass to try title action is the method of determining title to lands, tenements or other real property. See *Kennesaw Life & Accident Ins. Co. v. Goss*, 694 S.W.2d 115, 117-118 (Tex.App.—Houston [14<sup>th</sup> Dist.] 1985, writ ref'd n.r.e.) (declaratory judgment act inappropriate vehicle to establish rights in property because trespass to try title is only remedy); see also *Yoast v. Yoast*, 649 S.W.2d 289, 292 (Tex. 1983) (court of appeals should have characterized suit disputing ownership of property as trespass to try title rather than suit for partition).

<sup>3</sup> See Exhibits "A" - "G."

8. Movants would further not be able to receive a fair and impartial trial in Kenedy County because the influence of the Kenedy Foundation and their predecessors, the Kenedy family, is so strong in the county that the county was named Kenedy County. Several towns in Kenedy County are named after the *first* names of members of the Kenedy family, i.e. the town of Mifflin was named after Mifflin Kenedy. Sarita, the seat of Kenedy County, was named after Sarita Kenedy East, the person who created the Kenedy Foundation. (Exhibits "A" - "G").

9. There is a combination against Movants and all the heirs of Jose Manuel Balli Villarreal of influential persons in Kenedy County that would prevent a fair trial in Kenedy County. Many of the elected officials in Kenedy County are members of the Turcotte family.<sup>4</sup> It is common knowledge in Kenedy County that the Turcotte family is related by marriage to the Kenedy family. (Exhibits "C" - "G"). The Turcottes are very influential persons in Kenedy County both politically and economically. (Exhibits "C" - "G"). In fact, the Kenedys and the Turcottes are so influential in Kenedy County that the Kenedy County Courthouse is located at the intersection of Kenedy and Turcotte. (Exhibits "C" - "G").

10. For other sufficient cause, if any should be required, the Kenedy Foundation owns many of the mortgages of the homes of the residents in Kenedy County. This fact combined with the combination of influential persons in Kenedy County would prevent Movants and all the heirs of Jose Manuel Balli Villarreal from receiving a fair trial in Kenedy County.

11. For other sufficient cause, if any should be required, in this litigation, Movants will establish their proportionate title to large portions of Kenedy County, which are currently operated by the Kenedy Foundation. As the evidence is presented at trial, jurors from Kenedy

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<sup>4</sup> Members of the Turcotte family currently serve in Kenedy County in the following capacities: County Clerk and District Clerk - Barbara B. Turcotte; Kenedy County Treasurer - John W. Turcotte; and Justice of the Peace - Louis Edgar Turcotte, III. (Exhibit "H") Other members of the Turcotte family who until recently held office in Kenedy County include former Kenedy County Commissioner Louis Edgar Turcotte, Jr., and former Kenedy County Attorney Roy C. Turcotte. (Exhibits "A" and "B").

County, many or most of whom are either employed by or dependent upon the Foundation for a living<sup>5</sup> and simply cannot be expected to disregard their own personal and pecuniary interest in this litigation. There exists and will continue to exist prejudice in the county of suit so great that Movants and all the heirs of Jose Manuel Ballí Villarreal cannot get a fair and impartial trial in Kenedy County. (Exhibits "A" – "G").

12. For other sufficient cause, if any should be required, as a result of the claims of Movants, there is a combination against Movants and all the heirs of Jose Manuel Ballí Villarreal of influential persons in Kenedy County that would prevent a fair trial. (Exhibits "A" - "G").

13. For other sufficient cause, if any should be required, as a result of the claims of Movants and all the heirs of Jose Manuel Ballí Villarreal, an impartial trial cannot be had in Kenedy County. (Exhibits "A" – "G").

14. Any one of the factors set forth in the foregoing paragraphs 6-11 alone would justify the granting of this motion and change of venue in this case to a county where Movants can obtain a fair and impartial jury. However, because of the combination of the above factors presented by this unique and historic case, Movants and all the heirs of Jose Manuel Ballí Villarreal would not be able to get an impartial jury panel from which to select a jury if the trial of this case was conducted in Kenedy County, Texas.

**ROSA MARIA AGUILAR, ET AL.,  
SEEK CHANGE OF VENUE TO AN ADJACENT COUNTY  
PURSUANT TO T.R.C.P. 259**

15. Texas Rule of Civil Procedure 259, which is entitled "to what county" sets forth the procedure for determining the county of change if a Rule 257 motion is granted.

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<sup>5</sup> See Exhibits "A" – "G".

16. Unless the parties should agree that venue shall be changed to some other county,<sup>6</sup> the first issue for the court is whether another county of *proper* venue exists.<sup>7</sup> Brooks County, which is *adjacent* to Kenedy County, may be a county of proper venue but Movants will not be able to determine whether Brooks County is in fact a county of proper venue until after the Kenedy Foundation files amended pleadings.<sup>8</sup>

17. If the only county of proper venue is the county where the suit is filed, then the court must follow Rule 259(d). “[W]hen the trial court determined that [one party] could not obtain a fair and impartial trial in that county, the court had two options under [Rule] 259(d) – either to remove the case to any county in the same or an adjoining district or to any district where an impartial trial could be had.” *Dorchester Gas Prod’g Co. v. Harlow Corp.*, 743 S.W.2d 243, 253 (Tex.App.—Amarillo 1987, no writ).

18. Kleberg County and Nueces County are within the same district as Kenedy County. Under the facts presented, this case should be changed to an adjacent county<sup>9</sup> rather than to either Kleberg County or Nueces County because there exists so great a prejudice in both counties that Movants cannot obtain a fair and impartial trial if the venue of this case were changed to either county. Movants would specifically show that they cannot get a fair and impartial trial in Kleberg County and Nueces County for the following reasons:

- a. The local prejudice is based in part because the patriarchs of Kenedy County and Kleberg County were once business partners, i.e. Mifflin Kenedy and Richard King, respectively. Kleberg County is named after Robert Kleberg, the son-in-law of Richard King, the founder of the King Ranch. Many of the people in Kleberg County and Nueces County either directly and/or indirectly depend on the King Ranch to earn a living, and

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<sup>6</sup> The final sentence of Rule 259 provides “but the parties may agree that venue shall be changed to some other county, and the order of the court shall conform to such agreement.”

<sup>7</sup> Tex. R. Civ. P. 259(a).

<sup>8</sup> See *supra*, notes 1 and 2.

<sup>9</sup> See enclosed County Map of Texas from page 7, Volume Two of the 2001 edition of the Texas Legal Directory, the Official Directory of the State Bar of Texas, which is attached hereto as Exhibit “I” and incorporated herein for all purposes as if set forth at length.

the King Ranch is very influential in Kleberg County as well as in Nueces County, both politically and economically;<sup>10</sup>

- b. There is also a combination against the Rosa Maria Aguilar Intervenors in both Kleberg County and in Nueces County that would prevent them from obtaining a fair and impartial trial. A fair and impartial trial is simply not possible in either Kleberg County or in Nueces County for other sufficient cause. For example, the major hospital in Kleberg County and Nueces County is Spohn Hospital, which was endowed by and named after members of the Kenedy family. The Spohn name is prominently displayed on the outside of the Spohn Hospital in each County. In Nueces County, there is also a Sarita Kenedy East addition displayed in huge lights on the outside of the Hospital;<sup>11</sup> and
- c. The beneficiary of the Kenedy Foundation is the Catholic Diocese of Corpus Christi, the headquarters of which is in Nueces County. Many of the persons in Nueces County are Catholic and since the Diocese is the beneficiary of the Kenedy Foundation, an impartial trial cannot be had in Nueces County.<sup>12</sup>

19. Movants will not receive a fair and impartial jury trial if this case is changed to either Kleberg County or Nueces County. Thus, the court should choose between the following three counties adjacent to Kenedy County: Hidalgo County; Brooks County; Willacy County; or to any district where an impartial trial can be had.

### CONCLUSION

20. The inability of Movants and all the heirs of Jose Manuel Ballí Villarreal to obtain a fair and impartial trial in Kenedy County is so severe that it would violate the due process clause of the Fourteenth Amendment to the U.S. Constitution as well as the due course of law provision in art. 1, §19 of the Texas Constitution if the trial of this cause were to occur in Kenedy County, Texas. Movants hereby request that the court change the venue in this cause to Hidalgo County or to Brooks County so that Movants may receive a fair and impartial trial, and so that justice may be done.

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<sup>10</sup> See Exhibit "J", which is incorporated herein for all purposes as if set forth at length.

<sup>11</sup> Exhibit "J."

<sup>12</sup> Id.

WHEREFORE, ROSA MARIA AGUILAR, ET AL., Movants herein, pray that the court find and enter an order as follows:

1. that Movants and all the heirs of Jose Manuel Balli Villarreal cannot obtain a fair and impartial trial in Kenedy County;
2. that there is a combination against Movants and all the heirs of Jose Manuel Balli Villarreal instigated by influential persons, by reason of which they cannot expect a fair and impartial trial in Kenedy County;
3. that an impartial trial cannot be had by Movants and all the heirs of Jose Manuel Balli Villarreal in Kenedy County;
4. in addition to the foregoing, that this motion is granted for other sufficient cause;
5. Movants further pray that upon the granting of this motion upon one or more of the above grounds, that the court change venue to Hidalgo County; and if not to Hidalgo County, then to Brooks County; and if not to Brooks County, then to Willacy County; and
6. for all such other and further relief at law or in equity to which Movants may be justly entitled.

Respectfully submitted,



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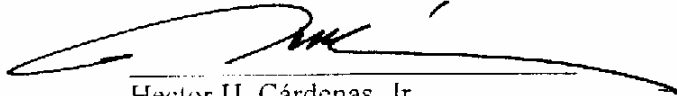
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ATTORNEYS FOR INTERVENORS  
ROSA MARIA AGUILAR ET AL



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record via certified mail return receipt requested, first class mail and/or facsimile on this the 16<sup>th</sup> day of August, 2001.



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Honorable Pat McDowell  
Senior District Judge  
3824 Greenbrier  
Dallas, Texas 75225

CAUSE NO. 1261

THE JOHN G. and MARIE  
STELLA KENEDY MEMORIAL  
FOUNDATION

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IN THE DISTRICT COURT OF

VS.

KENEDY COUNTY, T E X A S

SYLVIA MENCHACA BALLÍ  
AGUILERA, ET AL

105<sup>TH</sup> JUDICIAL DISTRICT

AFFIDAVIT

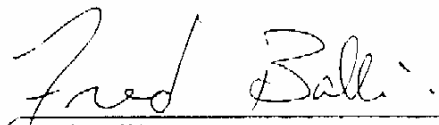
STATE OF T E X A S     §  
                                  §  
COUNTY OF HARRIS     §

BEFORE ME, the undersigned authority, on this day personally appeared Fred Ballí, the undersigned affiant, who being by me duly sworn under oath stated:

1. "My name is Fred Ballí and I am over the age of 49 years of age. I have never been convicted of a felony or a crime involving moral turpitude, and I am of sound mind and fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct.
2. I am an heir of Jose Manuel Ballí Villarreal. I am a party to the above-referenced lawsuit and I am one of the over five hundred persons identified on papers filed with the court as the Rosa Maria Aguilar Intervenors.
3. I am familiar with the political situation in Kenedy County and I am also aware of the above lawsuit the Kenedy Foundation filed against the heirs of Jose Manuel Ballí Villarreal concerning the La Barreta land grant. I am aware that this affidavit will be an exhibit to a motion filed by my attorneys for the purpose of changing the venue in this case from Kenedy County to a county where all the heirs of my ancestor, Jose Manuel Ballí Villarreal, can get a fair trial.
4. In my opinion, the Ballí family would not be able to receive a fair and impartial trial in Kenedy County, Texas, because there exists in that county so great a prejudice that the Rosa Maria Aguilar Intervenors cannot obtain a fair and impartial trial. The influence of the Kenedy Foundation and their predecessors, the Kenedy family, is so strong in Kenedy County that the entire county was named Kenedy County. Several towns in Kenedy County are named after the first names of members of the Kenedy family, i.e. the town of Mifflin was named after Mifflin Kenedy. Sarita, the seat of Kenedy County, was named after Sarita Kenedy East, the person who created the Kenedy Foundation. I am aware that it is common knowledge in Kenedy County that the Turcotte family is related by marriage to the Kenedy family. Many members of the Turcotte family serve as officials in Kenedy County in the following capacities: County Clerk and District

Clerk – Barbara B. Turcotte; Kenedy County Treasurer – John W. Turcotte; and Justice of the Peace – Louis Edgar Turcotte, III. Other members of the Turcotte family who until recently held office in Kenedy County include former Kenedy County Commissioner - Louis Edgar Turcotte, Jr., and former Kenedy County Attorney – Roy C. Turcotte. Since many members of the Turcotte family are office holders in Kenedy County, the Turcottes are very influential persons in Kenedy County both politically and economically. In fact, the Kenedys and the Turcottes are so influential in Kenedy County that the Kenedy County Courthouse is located at the intersection of Kenedy and Turcotte.

5. I am also aware that the United States Census shows the population of Kenedy County to be under five hundred persons, including children. Therefore, there are simply not enough people in Kenedy County from which to pick an impartial jury panel in a case of this size and importance.
6. I am also aware that a majority of the people in Kenedy County either directly and/or indirectly depend on the Kenedy Foundation to earn a living. The Kenedy Foundation is very influential in Kenedy County both politically and economically. I believe that the Kenedy Foundation and the Turcotte family, either individually or in combination would be able to apply immense pressure on a great majority of the people in Kenedy County against the Balli family.
7. Based upon a combination of the above factors, in my opinion, the Balli family would not be able to get an impartial jury panel from which to select a jury if the trial of this case was conducted in Kenedy County, Texas.

  
Fred Balli

SIGNED AND SWORN TO BEFORE ME on the 14 day of AUGUST 2001 to certify which witness my hand and official seal.



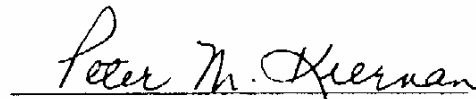
  
Notary Public, State of Texas

EXHIBIT     A

CAUSE NO. 1261

THE JOHN G. and MARIE  
STELLA KENEDY MEMORIAL  
FOUNDATION

VS.

SYLVIA MENCHACA BALLÍ  
AGUILERA, ET AL

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IN THE DISTRICT COURT OF  
  
KENEDY COUNTY, T E X A S  
  
105<sup>TH</sup> JUDICIAL DISTRICT

AFFIDAVIT

STATE OF T E X A S     §  
                                  §  
COUNTY OF TRAVIS     §

BEFORE ME, the undersigned authority, on this day personally appeared Joe Ballí, the undersigned affiant, who being by me duly sworn under oath stated:

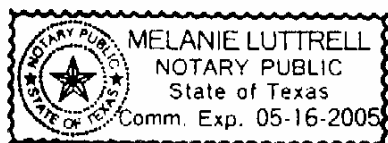
1. "My name is Joe Ballí and I am over the age of sixty years of age. I have never been convicted of a felony or a crime involving moral turpitude, and I am of sound mind and fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct.
2. I am an heir of Jose Manuel Ballí Villarreal. I am a party to the above-referenced lawsuit and I am one of the over five hundred persons identified on papers filed with the court as the Rosa Maria Aguilar Intervenors.
3. I am familiar with the political situation in Kenedy County and I am also aware of the above lawsuit the Kenedy Foundation filed against the heirs of Jose Manuel Ballí Villarreal concerning the La Barreta land grant. I am aware that this affidavit will be an exhibit to a motion filed by my attorneys for the purpose of changing the venue in this case from Kenedy County to a county where all the heirs of my ancestor, Jose Manuel Ballí Villarreal, can get a fair trial.
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7. Based upon a combination of the above factors, in my opinion, the Balli family would not be able to get an impartial jury panel from which to select a jury if the trial of this case was conducted in Kenedy County, Texas.

  
Joe Balli

SIGNED AND SWORN TO BEFORE ME on the 14<sup>th</sup> day of Aug., 2001 to certify which witness my hand and official seal.



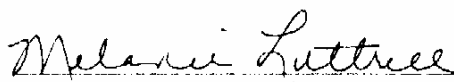
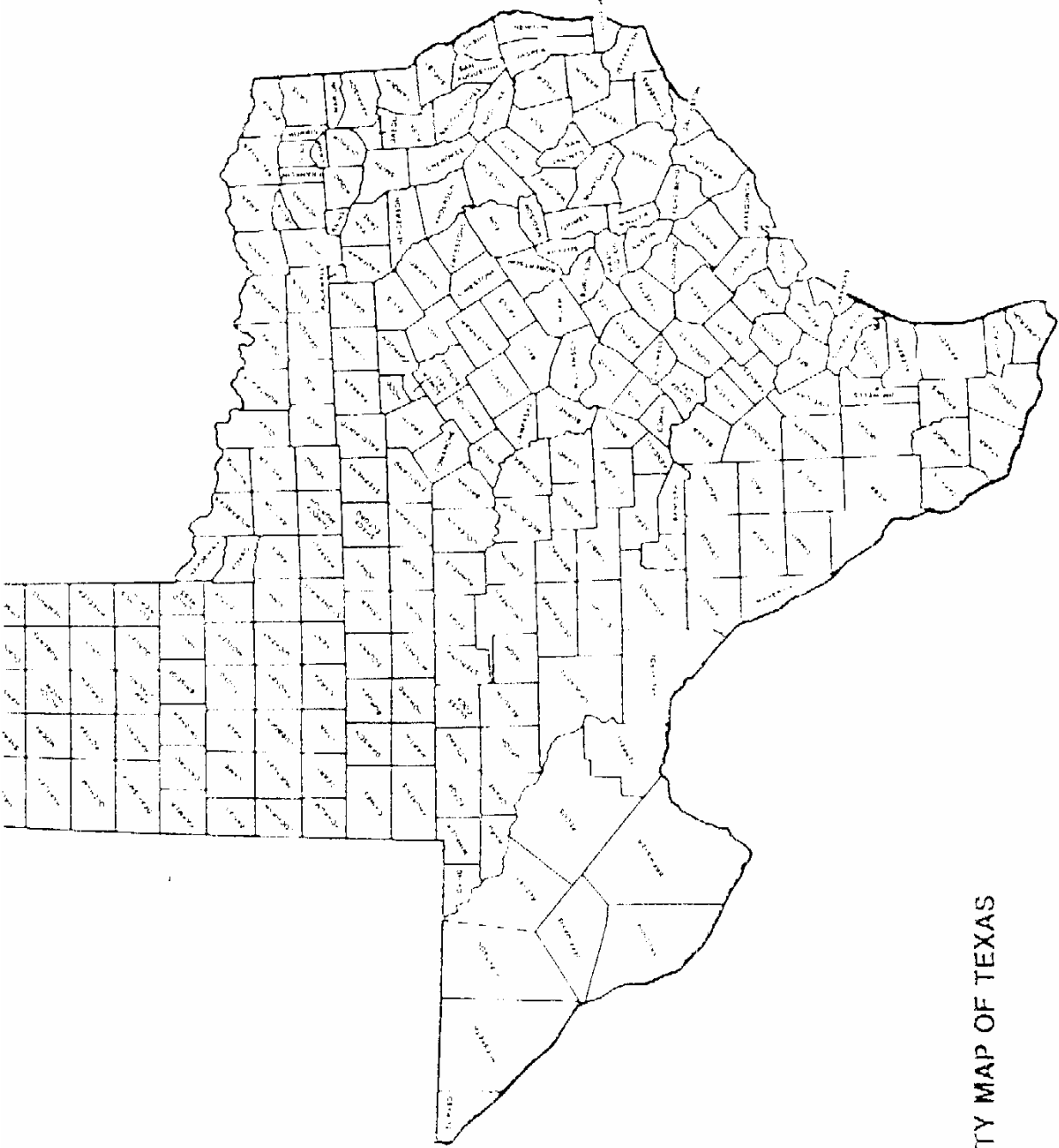
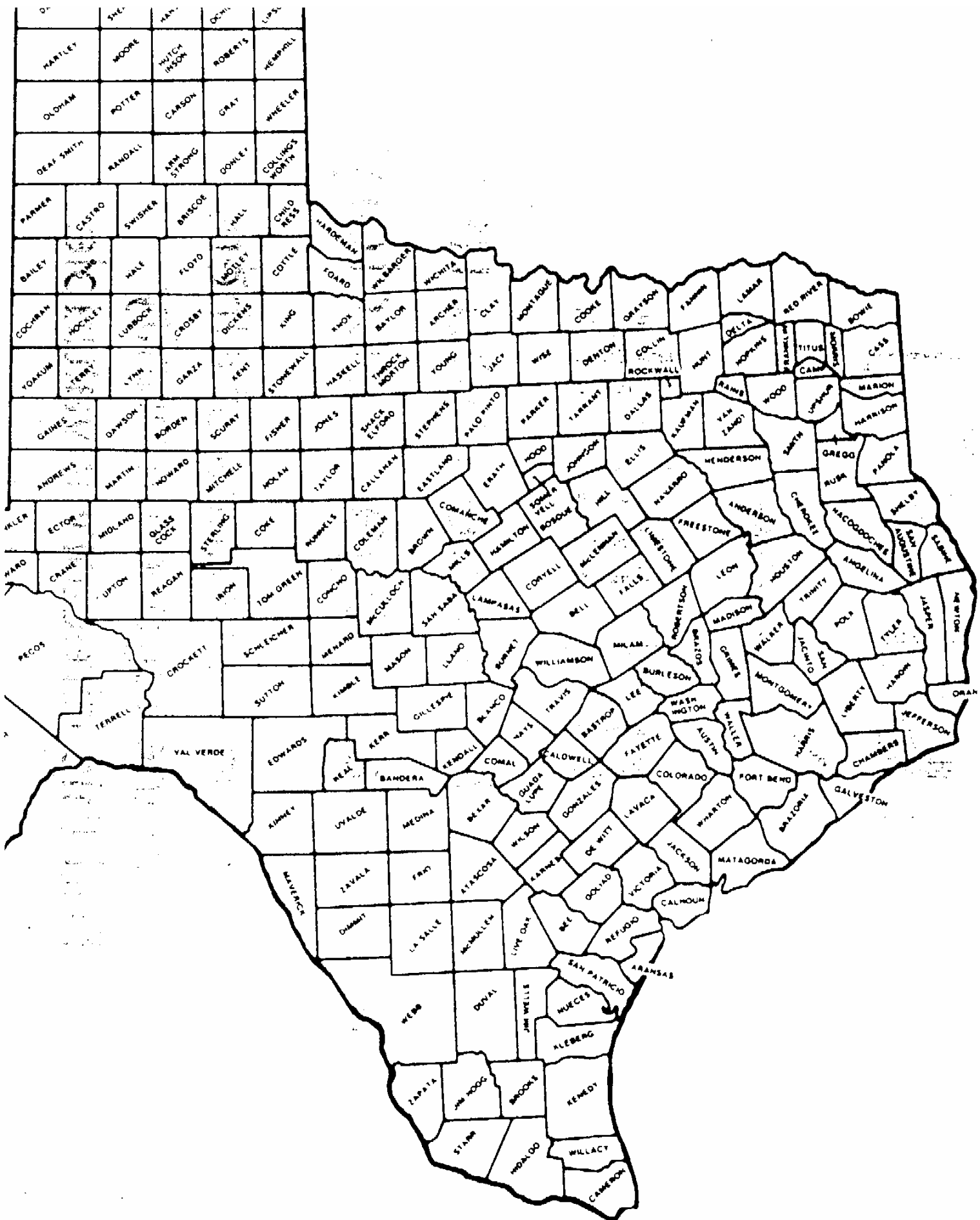
  
Notary Public, State of Texas

EXHIBIT "B"



COUNTY MAP OF TEXAS

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CAUSE NO. 1261

THE JOHN G. and MARIE  
STELLA KENEDY MEMORIAL  
FOUNDATION

VS.

SYLVIA MENCHACA BALLÍ  
AGUILERA, ET AL

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IN THE DISTRICT COURT OF  
  
KENEDY COUNTY, T E X A S  
  
105<sup>TH</sup> JUDICIAL DISTRICT

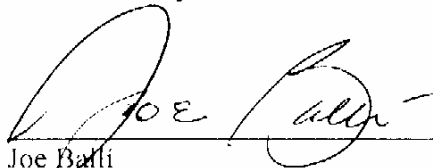
AFFIDAVIT

STATE OF T E X A S     §  
                                  §  
COUNTY OF TRAVIS     §

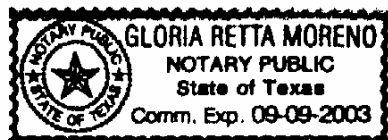
BEFORE ME, the undersigned authority, on this day personally appeared Joe Balli, the undersigned affiant, who being by me duly sworn under oath stated:

1. "My name is Joe Balli and I am over the age of sixty years of age. I have never been convicted of a felony or a crime involving moral turpitude, and I am of sound mind and fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct.
2. I am an heir of Jose Manuel Balli Villarreal. I am a party to the above-referenced lawsuit and I am one of the over five hundred persons identified on papers filed with the court as the Rosa Maria Aguilar Intervenors.
3. I am familiar with the political situation in Kleberg County and Nueces County, and I am also aware of the above lawsuit the Kenedy Foundation filed against the heirs of Jose Manuel Balli Villarreal concerning the La Barreta land grant. I am aware that this affidavit will be an exhibit to a motion filed by my attorneys for the purpose of changing the venue in this case from Kenedy County to a county where all the heirs of my ancestor, Jose Manuel Balli Villarreal, can get a fair trial.
4. The Balli family would not be able to receive a fair and impartial trial in Kleberg County or in Nueces County if the venue of this case was changed to either county because there exists in each county so great a local prejudice that the Rosa Maria Aguilar Intervenors cannot obtain a fair and impartial trial. This prejudice is based in part because the patriarchs of Kenedy County and Kleberg County were once business partners, i.e. Mifflin Kenedy and Richard King, respectively. Kleberg County is named after Robert Kleberg, the son-in-law of Richard King, the founder of the King Ranch. Many of the people in Kleberg County and Nueces County either directly and/or indirectly depend on the King Ranch to earn a living, and the King Ranch is very influential in Kleberg County as well as in Nueces County, both politically and economically.

5. There is also a combination against the Rosa Maria Aguilar Intervenors in both Kleberg County and in Nueces County that would prevent us from obtaining a fair and impartial trial. A fair and impartial trial is simply not possible in either Kleberg County or in Nueces County for other reasons. For example, the major hospital in Kleberg County and Nueces County is Spohn Hospital, which was endowed by and named after members of the Kenedy family. The Spohn name is prominently displayed on the outside of the Spohn Hospital in each County. In Nueces County, there is also a Sarita Kenedy East addition displayed in huge lights on the outside of the Hospital.
6. The beneficiary of the Kenedy Foundation is the Catholic Diocese of Corpus Christi, the headquarters of which is in Nueces County. Many of the persons in the Nueces County are catholic and since the Diocese is the beneficiary of the Kenedy Foundation, an impartial trial cannot be had in Nueces County.
7. Based upon a combination of the above factors, in my opinion, the Balli family would not receive a fair and impartial jury trial if the venue of this case were to be changed to either Kleberg County or Nueces County.

  
Joe Balli

SIGNED AND SWORN TO BEFORE ME on the 15<sup>th</sup> day of Aug, 2001 to certify which witness my hand and official seal.



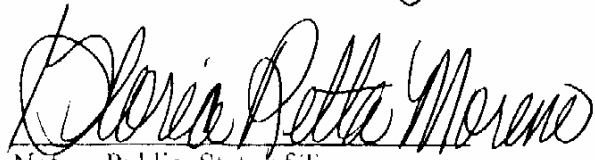
  
Notary Public, State of Texas

EXHIBIT "J"

COPY

CAUSE NO. 1261

THE JOHN G. and MARIE  
STELLA KENEDY MEMORIAL  
FOUNDATION

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IN THE DISTRICT COURT OF

V.

KENEDY COUNTY, TEXAS

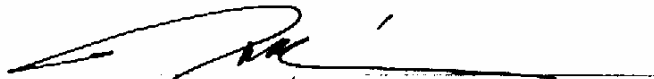
SYLVIA MENCHACA BALLÍ  
AGUILERA, ET AL.

105<sup>TH</sup> JUDICIAL DISTRICT

NOTICE OF ORAL HEARING

NOTICE IS HEREBY GIVEN that the Motion to Change Venue filed by ROSA MARIA AGUILAR, ET AL., is hereby set for oral hearing on Wednesday, October 31, 2001 at 1:00 p.m. in the first floor courtroom of the Nueces County Courthouse in Corpús Christi, Nueces County, Texas. FURTHER NOTICE IS GIVEN that Movants shall present evidence and testimony in support of their Motion to Change Venue at said hearing.

Respectfully submitted,



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(956) 383-7441 Telephone  
(956) 381-0825 Facsimile

ATTORNEYS FOR INTERVENORS  
ROSA MARIA AGUILAR ET AL.

AT	9:11	FILED	O'CLOCK	A
SEP 11 2001				
105 <sup>th</sup>	CLERK OF DISTRICT COURT			
BY <i>Desonica Vela</i>				

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record via certified mail return receipt requested, first class mail and/or facsimile on this the 6th day of September, 2001.



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