

named above in this motion, and that Movant be granted such other and further relief as it shows itself entitled.

Respectfully submitted,



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CAUSE NO. 1261

THE JOHN G. and MARIE STELLA	§	IN THE DISTRICT COURT OF
KENEDY MEMORIAL	§	
FOUNDATION	§	
	§	
Plaintiff	§	
	§	
vs.	§	KENEDY COUNTY, TEXAS
	§	
SYLVIA MENCHACA BALLI	§	
AGUILERA, ET AL	§	
	§	
Defendants	§	105 TH DISTRICT COURT

AFFIDAVIT OF S. PAUL BAEN

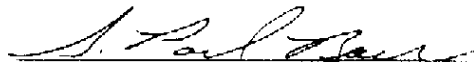
THE STATE OF TEXAS §
 COUNTY OF NUECES §

BEFORE ME, the undersigned authority, on this day personally appeared **S. PAUL BAEN** who, being by me duly sworn, deposed and said as follows:

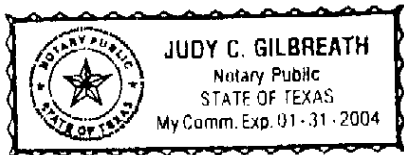
1. "My name is **S. PAUL BAEN**. I am over forty-four (44) years of age. I am of sound mind, have never been convicted of any crime and I am competent to make this affidavit. I have personal knowledge of the facts stated herein, all of which are true and correct.
2. I am the Chief Financial Officer of the John G. and Marie Stella Kenedy Memorial Foundation. I have been authorized by the Board of the Foundation to execute this Affidavit on behalf of the Board. The facts which are recited in this Affidavit are within my personal knowledge. The Foundation has filed a Third Amended Original Petition in which it has


joined parties, the unborn, unknown and unascertained heirs of Jose Manuel Balli Villarreal, deceased. Such persons are all unknown to me and to the Foundation acting through its attorneys. We have made a reasonable effort to identify as many of the potential heirs of Jose Manuel Balli Villarreal, deceased, as possible and those which we were able to identify are either defendants or intervenors. It is not possible to further ascertain the identity or the residence of the unborn, unknown and unascertained heirs of Jose Manuel Balli Villarreal, deceased. For that reason, the Foundation is requesting pursuant to Rule 109 of the Texas Rules of Civil Procedure, that the Clerk of the District Court be authorized to issue citation for such unborn, unknown and unascertained heirs as parties by publication.

Further, Affiant sayeth not.”


S. PAUL BAEN

SWORN TO and SUBSCRIBED before me by S. PAUL BAEN on this 9th day of November, 2001.




Notary Public In and for the State of Texas

THE STATE OF TEXAS
CITATION

TO: Any and all unborn heirs of Jose Manuel Balli, any and all unknown heirs of Jose Manuel Balli and all others who may otherwise assert an interest in the Petition filed with the 105th District Court in Kenedy County, Texas in Cause Number 1261. You have been sued. You may employ an attorney. If you or your attorney do 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 (42) days after you are served with this citation, a default judgment may be taken against you. Each of you is hereby commanded to appear and answer before the 105th District Court in Kenedy County, Texas, at or before 10:00 a.m. of the first Monday after the expiration of forty-two (42) days from the date of the issuance of this Citation which is _____, to answer the Third Amended Original Petition of The John G. and Marie Stella Kenedy Memorial Foundation which was filed on October 3, 2001. The address of the attorney for Petitioner is Law Offices of Jorge C. Rangel, P. O. Box 2683, Corpus Christi, Texas 78403-2683. Petitioner filed Petition seeking Declaratory Judgment regarding certain property in Kenedy County, Texas.

If this Citation is not served within ninety (90) days after the date of its issuance, it shall be returned unserved.

Issued and given under my hand and seal of this Court on the _____ day of _____, 2001 at _____ County, Texas, _____, Clerk of the _____, Texas.

By: _____
DEPUTY

CAUSE NO. 1261

THE JOHN G. and MARIE STELLA
KENEDY MEMORIAL
FOUNDATION

Plaintiff

vs.

SYLVIA MENCHACA BALLI
AGUILERA, ET AL.

Defendants

§
§
§
§
§
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§
§
§

IN THE DISTRICT COURT OF

KENEDY COUNTY, TEXAS

105TH DISTRICT COURT

ORDER REQUIRING CITATION BY PUBLICATION

ON THIS DAY came to be considered by the Court, the Motion to Require Citation by Publication filed herein by Movant, The John G. and Marie Stella Kenedy Memorial Foundation, and the Court, having considered such Motion, finds that the identity of the unborn heirs of Jose Manuel Balli, the unknown heirs of Jose Manuel Balli cannot be ascertained and that the relief sought therein should be granted.

It is therefore, ORDERED, ADJUDGED and DECREED that the Clerk of this Court issue Citation by Publication once each week for four (4) consecutive weeks, the first publication to be at least twenty-eight (28) days before the return date of the Citation. Such Citation shall be published in a newspaper having general circulation in Kenedy County, Texas, together with an abstract of the Petition. Such Citation shall be served on any and all unborn heirs of Jose Manuel Balli, any and all unknown heirs of Jose Manuel Balli.

SIGNED this ____ day of _____, 2001.

JUDGE PRESIDING