

CLERK OF THE COURT  
SUSAN SPRADLING, DISTRICT CLERK  
P.O. BOX 1437  
GREENVILLE, TEXAS 75403

ATTORNEY FOR PLAINTIFFS  
CALEB MOORE  
WHITAKER CHALK SWINDLE & SCHWARTZ, PLLC  
301 COMMERCE STREET, STE 3500  
FT. WORTH, TX 76102

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "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 twenty days after the date of issuance of this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

**UNKNOWN STOCKHOLDERS OF A-1 WESTERN PLUMBING, INC  
AND UNKNOWN LANDOWNERS**

Defendant, Greeting:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of issuance of this citation before the Honorable **354<sup>th</sup> District Court** of Hunt County, Texas at the Courthouse of said County in Greenville, Texas. Said Plaintiff's Petition was filed in said court on **18<sup>th</sup> day of July 2024**, in this case, numbered **93858** on the docket of said court styled:

**MARS INTERNATIONAL INVESTMENTS, INC.**

**VS**

**UNKNOWN STOCKHOLDERS OF A-1 WESTERN PLUMBING, INC AND UNKNOWN  
LANDOWNERS**

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

**MARS INTERNATIONAL INVESTMENTS, INC.**

**VS**

**UNKNOWN STOCKHOLDERS OF A-1 WESTERN PLUMBING, INC AND UNKNOWN  
LANDOWNERS**

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

PROPERTY DESCRIPTION

5.01. At all times relevant to this cause of action, Plaintiff was and is the owner of certain real property ("Property") described as follows:

LOTS 17, 17B, 18, 18B, 18C, Block 1, WHISKERS RETREAT ADDITION,

INSTALLMENT No. 6, as shown by plat recorded in Volume 400, Page 564,  
Plat Records of Hunt County, Texas;

LOTS 151, 151B, WHISKERS RETREAT, INSTALLMENT No. 4, as shown by  
plat recorded in Volume 400, Page 564, Plat Records of Hunt County, Texas;

LOTS 548, 548B, 548C, 549, 549B, 549C, 623, 623B, 634, 634B, 635, 635B,  
648, 648B, 698B, 698C, 699, 699B, 699C, 598, 598B, 599, and 649B,  
WHISKERS

RETREAT ADDITION INSTALLMENT No. 5, as shown by plat recorded in  
Volume 400, Page 588, Plat Records of Hunt County, Texas;

LOTS 102 and 103 of QUINLAN NORTH ADDITION, 2ND  
INSTALLMENT, as shown by plat recorded in Volume 400, Page 605 of the  
Deed Records of Hunt County, Texas.

as is more fully shown by Plaintiff's Petition on file in this suit. The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs. Issued and given under my hand and seal of said court at Greenville, Hunt County, Texas, this on this the 27<sup>th</sup> day of March 2025.



Attest:  
SUSAN SPRADLING  
District Clerk  
District Court, Hunt County, Texas

By Shana Lee Deputy

## OFFICERS'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_.M. and I executed the foregoing citation by posting a copy thereof at the courthouse door of the Hunt County Courthouse, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, at \_\_ o'clock \_\_.M. which day was at least 28 days prior to the return day fixed in the citation.

A copy of said Citation by Posting is hereto attached and made a part of Officer's Return on this Writ.

To certify which witness my hand.

Officer's Fee.... \$\_\_\_\_\_

\_\_\_\_\_{Sheriff  
\_\_\_\_\_{Constable  
\_\_\_\_County, Texas

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

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public  
State of Texas

Commission Expires: \_\_\_\_\_

## OFFICERS'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_.M. and I executed the foregoing citation by posting a copy thereof at the courthouse door of the Hunt County Courthouse, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, at \_\_ o'clock \_\_.M. which day was at least 28 days prior to the return day fixed in the citation.

A copy of said Citation by Posting is hereto attached and made a part of Officer's Return on this Writ.

To certify which witness my hand.

Officer's Fee.... \$\_\_\_\_\_

\_\_\_\_\_{Sheriff  
\_\_\_\_\_{Constable  
\_\_\_\_County, Texas

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

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public  
State of Texas

Commission Expires: \_\_\_\_\_

CAUSE NO. 93858

MARS INTERNATIONAL	§	IN THE DISTRICT COURT OF
INVESTMENTS, INC.	§	
<i>Plaintiff</i>	§	
	§	
vs.	§	HUNT COUNTY, TEXAS
	§	
UNKNOWN STOCKHOLDERS OF	§	
A-1 WESTERN PLUMBING, INC.	§	
	§	
and	§	
	§	Hunt County - 354th District Court
UNKNOWN LANDOWNERS	§	
<i>Defendants</i>	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR SERVICE BY PUBLICATION,**  
**APPOINTMENT OF AN AD LITEM ATTORNEY FOR THE UNKNOWN**  
**STOCKHOLDERS OF A-1 WESTERN PLUMBING, INC.**

To The Honorable Judge of Said Court:

Now comes MARS INTERNATIONAL INVESTMENTS, INC. (hereinafter "Plaintiff" or "Mars"), Plaintiff in this action, and files Plaintiff's Original Petition against the Unknown Stockholders of A-1 Western Plumbing, Inc. (hereinafter "Unknown Stockholders" or "Defendant") and the Unknown Landowners (hereinafter "Unknown Landowners" or "Defendant"), Defendants in this action, and for cause would respectfully show this Court the following:

**I.**  
**DISCOVERY CONTROL PLAN AND RULE 47 PLEADING**

1. Due to the nature of this action and the amount in controversy, Plaintiff states this case will be conducted under Discovery Level 2, as defined in the Texas Rules of Civil Procedure.

2. In accordance with Tex. R. Civ. P. 47, Plaintiff states that this is a suit involving a

claim of fee simple title by conveyance and/or adverse possession to real property located in Hunt County, Texas and for trespass to try title. Plaintiff states that, as discovery proceeds, they may seek monetary relief of \$200,000 or less and non-monetary relief. The damages sought are within the jurisdictional limits of the court. Plaintiff also seeks all other relief to which the Court finds them justly entitled.

## II. PARTIES

3. Plaintiff Mars is a Texas corporation, with its principal place of business in Texas.

4. Defendant Unknown Stockholders of A-1 Western Plumbing, Inc., are the unknown stockholders of a defunct Texas corporation. A-1 Western Plumbing, Inc, forfeited the right to conduct business in Texas in 1991 and the Texas Secretary of State does not list or have available the listed stockholders of the corporation. *See*

**Name:** A-1 WESTERN PLUMBING, INC.  
**Address:** [ADDRESS NOT PROVIDED]

<a href="#">REGISTERED AGENT</a>		<a href="#">FILING HISTORY</a>	<a href="#">NAMES</a>	<a href="#">MANAGEMENT</a>	<a href="#">ASSUMED NAMES</a>	<a href="#">ASSOCIATED ENTITIES</a>	<a href="#">INITIAL ADDRESS</a>
View Image	Document Number	Filing Type		Filing Date	Effective Date	Eff. Cond	Page Count
N/A	4381591	Legacy Filing		March 7, 1979	March 7, 1979	No	N/A
N/A	4381588	Tax Forfeiture		January 18, 1988	January 18, 1988	No	N/A
N/A	4381589	Application For Reinstatement		April 11, 1988	April 11, 1988	No	N/A
N/A	4381590	Tax Forfeiture		November 18, 1991	November 18, 1991	No	N/A

Plaintiff does not know who the stockholders of A-1 Western Plumbing, Inc. are. Pursuant to Tex. Civ. Prac. & Rem Code § 17.004 and Tex. R. Civ. P. Rule 111, Plaintiff requests citation for service by publication be issued upon the Unknown Stockholders of A-1 Western Plumbing, Inc.

5. Defendant Unknown Landowners are any persons claiming an interest in the real property located in Hunt County, Texas and who takes or holds a beneficial interest under a conveyance, lease or written contract in the real property located in Hunt County, Texas, other than the unknown stockholders of A-1 Western Plumbing, Inc. Plaintiff does not know who the

Unknown Landowners are. Pursuant to Tex. Civ. Prac. & Rem Code § 17.005 and Tex. R. Civ. P. Rule 112, Plaintiff requests citation for service by publication be issued upon the Unknown Landowners.

### **III.**

#### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over the subject matter of this action because all or a substantial part of the events giving rise to this cause of action occurred in the State of Texas, and the amount in controversy exceeds the minimum jurisdictional limits of this Court. Tex. Const. art. V, § 8; Tex. Gov't Code § 24.007. This Court has personal jurisdiction over the Defendants because this suit involves real property, in which Defendants likely has or had an interest in, located in Hunt County, Texas.

7. Venue is proper and mandatory in Hunt County, Texas because this matter concerns the ownership of real property located in Hunt County, Texas. Tex. Civ. Prac. & Rem. Code § 15.011.

### **IV.**

#### **STATEMENT OF FACTS**

8. This suit concerns real property in Hunt County, Texas, totaling approximately 31 Lots or tracts described below. The tracts which make up the subject property are further described as:

LOTS 17, 17B, 18, 18B, 18C, Block 1, WHISKERS RETREAT ADDITION, INSTALLMENT No. 6, as shown by plat recorded in Volume 400, Page 564, Plat Records of Hunt County, Texas;

LOTS 151, 151B, WHISKERS RETREAT, INSTALLMENT No. 4, as shown by plat recorded in Volume 400, Page 564, Plat Records of Hunt County, Texas;

LOTS 548, 548B, 548C, 549, 549B, 549C, 623, 623B, 634, 634B, 635, 635B, 648, 648B, 698B, 698C, 699, 699B, 699C, 598, 598B, 599, and 649B, WHISKERS

RETREAT ADDITION INSTALLMENT No. 5, as shown by plat recorded in Volume 400, Page 588, Plat Records of Hunt County, Texas;  
and

LOTS 102 and 103 of QUINLAN NORTH ADDITION, 2ND INSTALLMENT, as shown by plat recorded in Volume 400, Page 605 of the Deed Records of Hunt County, Texas.

(all lots above, collectively, the "Property").

9. On or about November 19, 1981, Bill Pearson conveyed to A-1 Western Plumbing, Inc., all interest in the Property.

10. On May 26, 1989, Mars obtained a judgment against Bill Pearson and his companies: ECS Electrical Contactors and Air King of Texas. On or about June 4, 1989, in exchange for stopping collection efforts against him personally and his companies, Bill Pearson conveyed to Mars International Investments, Inc. all interest in the Property and Mars ceased its collection efforts against Bill Pearson.

11. On or about June 4, 1989, through the end of 1994, Mars paid the ad valorem property taxes on the entire Property, thereby giving at least constructive, if not actual, notice to the Defendant, as well as any other parties who might claim an interest of its ownership claim to the Property.

12. Since 1989, the Hunt County Appraisal District has listed Plaintiff as the record title holder of the Property. Following the conveyance to Mars, Defendants never occupied, used, or sought to use the Property. From 1989 through 1994, Mars continuously used, cultivated, enjoyed and occupied the Property by maintaining the undeveloped lots. Mars's care, use and exercise of possession of the land was exclusive, open and notorious, and clearly adverse to the interests of Defendants, or any other claimant. Plaintiff is exclusively in possession of the Subject Property.



13. Mars ceased paying the ad valorem property taxes on the Property in 1995, after discovering the earlier conveyance of the Property to A-1 Western Plumbing, Inc. Mars was under the impression someone from A-1 Western Plumbing, Inc. would come forward and dispute Mars's possession and the issue fell by the wayside.

14. A-1 Western Plumbing, Inc. forfeited its corporate charter in 1991. Mars has been unable to locate anyone affiliated with the corporation and the Texas Secretary of State only lists a registered agent's name and address. Plaintiff is not aware of names of the stockholders of A-1 Western Plumbing, Inc.

15. Because of Bill Pearson's earlier conveyance of the Property to A-1 Western Plumbing, Inc, there may be other unknown individuals claiming an interest in the Property who are not stockholders of A-1 Western Plumbing, Inc. Plaintiff is not aware of the names of any Unknown Landowners. No one has ever contacted Plaintiff claiming an interest in the Property.

## V. CAUSES OF ACTION

16. Plaintiff hereby incorporates all of the preceding paragraphs and facts asserted herein into each and every cause of action plead below.

### **Trespass to Try Title/ Adverse Possession**

17. Plaintiff brings this action against Defendants in good faith under Chapter 22 of the Texas Property Code, Tex. Prop. Code §§ 22.001, *et seq*, and the provisions of Tex. R. Civ. P. Rule 783, *et seq*, for a legal determination of ownership of the Property by Trespass to Try Title. This suit is to determine that Plaintiff acquired fee simple title to the Property by lawful conveyance or by adverse possession under any or all of the 3, 5, and 10 year statutes of limitation and the substantive rights of the parties are governed by the Trespass to Try Title statutes. Tex. Prop. Code §§22.001, *et seq*. Plaintiff is claiming fee simple title to the Property through title by

conveyance or possession that has not been abandoned. A plaintiff who has obtained title by adverse possession may bring an action in trespass-to-try-title either against a third person or against the holder of the record title. See *Hash v. James*, 337 S.W.2d 506, 508 (Tex. Civ. App.—San Antonio 1960, writ ref’d n.r.e.); *San Antonio Loan & Trust Co. v. Rabb*, 155 S.W.2d 981, 982–983 (Tex. Civ. App.—San Antonio 1941, writ ref’d w.o.m.). Plaintiff is in possession of the Property and has been since on or around June 4, 1989—well over ten years. The Defendants do not have possession of the Property. Therefore, Plaintiff is entitled to possession and fee simple title of the Property.

18. One method by which fee simple ownership of real property can be established is “title by limitations,” otherwise known as adverse possession. *Martin v. Amerman*, 133 S.W.3d 262, 265 (Tex. 2004). Pursuant to Tex. Civ. Prac. & Rem. Code §§ 16.026 & 16.030, one who holds and uses real property in a peaceable and adverse possession acquired the right to own that property after ten years. *Rhodes v. Cahill*, 802 S.W.2d 643, 645 (Tex. 1990). However, such possession must not only be actual, but also visible, continuous, notorious, distinct, hostile (i.e., adverse), and of such a character as to indicate unmistakably an assertion of a claim of exclusive ownership in the occupant.” *Id.* (quoting *Satterwhite v. Rosser*, 61 Tex. 166, 171 (Tex. 1884)).

19. Since June 4, 1989, when Plaintiff acquired the Property by Quitclaim Deed, Plaintiff has openly, continuously, physically, and exclusively occupied the Property. Additionally, the Hunt County Appraisal District has listed Plaintiff as the record title owner of the Property since 1989, putting the Defendants or any other parties on notice of Plaintiff’s interest in the Property. Accordingly, Plaintiff owns the Property by conveyance of title and/or adverse possession.

### **Reimbursement for Paid Taxes**

20. In the alternate, Plaintiff seeks a judgment against any party for the value of the ad valorem taxes property taxes Plaintiff paid on the Property from 1989 through 1994.

### **VI. MOTION FOR APPOINTMENT OF ATTORNEY AD LITEM**

21. Plaintiff hereby requests the Court to appoint attorney ad litem to represent the Unknown Stockholders of A-1 Western Plumbing, Inc., whose names or locations are unknown, and the Unknown Landowners, whose names or locations are unknown.

### **VII. CONCLUSION/PRAYER**

FOR THE FOREGOING REASONS, Plaintiff Mars respectfully requests that upon final hearing hereof, Plaintiff have judgment against all Unknown Landowners and Unknown Stockholders of A-1 Western Plumbing, Inc., recognizing the exclusive, complete, and absolute ownership and control of Plaintiff over the Property, both real and personal, free of any claimed interest, divisible ownership right, or beneficial interest by any other party. Additionally, Plaintiff respectfully prays for such other and further relief, at law or in equity, to which Plaintiff may be justly entitled, and for general relief.

Respectfully submitted,

/s/ Caleb T. Moore  
Caleb Moore  
Texas State Bar No. 24067779  
[cmoore@whitakerchalk.com](mailto:cmoore@whitakerchalk.com)

**WHITAKER CHALK SWINDLE &  
SCHWARTZ PLLC**  
301 Commerce Street, Suite 3500  
Fort Worth, Texas 76102  
Telephone 817-878-0500  
Fax 817-878-0501  
**ATTORNEY FOR PLAINTIFF**

**AFFIDAVIT BY CALEB I. MOORE FOR CITATION BY PUBLICATION**

STATE OF TEXAS

COUNTY OF TARRANT

I, the undersigned affiant, Caleb I. Moore, being duly sworn, states the following:

1. I am an attorney licensed by the State of Texas, with the law firm Whitaker Chalk Swindle & Schwartz PLLC. I have been retained to represent Plaintiff, Mars International Investments, Inc., in the above captioned matter. I am above the age of eighteen (18) years, and I am fully competent to make this affidavit.
2. The facts stated in this affidavit are within my personal knowledge and are true and correct.
3. This affidavit is made for the purpose of authorizing the clerk of the above-named court to issue citation for Defendants Unknown Landowners and Unknown Stockholders of A-1 Western Plumbing, Inc. by publication in accordance with the Texas Rules of Civil Procedure.
4. The above captioned matter was commenced on July 18, 2024, by Mars International Investments, Inc. against the Unknown Landowners and Unknown Stockholders of A-1 Western Plumbing, Inc. in Hunt County, Texas and concerns the legal determination of ownership of the Property by Trespass to Try Title/Adverse Possession. Defendants are necessary or proper persons to the action because title is also in the name of A-1 Western Plumbing, Inc. a defunct Texas corporation. Additionally, all persons claiming any title or interest in land under deed heretofore given to A-1 Western Plumbing, Inc. by Bill Pearson, as grantee, other than stockholders, who by the earlier conveyance may also have a claim to the title or an interest in the Property.
5. The Defendants' residences are unknown to Plaintiff or Defendant is absent from or is a nonresident of Texas.
6. I conducted an inquiry to ascertain the address of Defendant Unknown Stockholders of A-1 Western Plumbing, Inc. using all due diligence. Up until approximately November 1991, A-1 Western Plumbing, Inc. was a legacy filing with the Texas Secretary of State. At that time, A-1 Western Plumbing, Inc. reached tax forfeiture status and the Texas Secretary of State does not have contact information for A-1 Western Plumbing, Inc. The Texas Secretary of State does not have a list of the stockholders of A-1 Western Plumbing, Inc. An internet search did not reveal any existing business that appeared to be operating as A-1 Western Plumbing, Inc. that could be a dba or otherwise include former stockholders.

7. I do not know Defendants' current place of residence or where he/she can be found. Further, I do not know and have never been informed and there is no evidence to indicate that Defendants now reside in the State of Texas.

**FURTHER, THE AFFIANT SAYETH NAUGHT.**



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**CALEB MOORE**

**JURAT**

Pursuant to Section 132.001 of the Texas Civil Practice and Remedies Code and Section 322.007 of the Texas Business and Commerce Code, the undersigned states as follows:

“My name is Caleb Moore, my date of birth is July 29, 1979, my address is 301 Commerce Street, Suite 3500, Fort Worth, Texas 76102, and I declare under penalty of perjury that the facts set forth in the foregoing are true and correct. Below is my true and correct electronic signature.”

Executed in Tarrant County, Texas on July 18, 2024.



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Caleb Moore