

CITATION BY POSTING

CAUSE NO. TAX22565

THE STATE OF TEXAS
HUNT COUNTY, TEXAS

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS NOTICE IS
HEREBY GIVEN AS FOLLOWS:

TO: L EUGENE CUMMINGS, In Rem Only, DECEASED, AND THE
UNKNOWN HEIRS OF L EUGENE CUMMINGS

and the unknown owner or unknown owners, and any and all other persons, including adverse claimants, owning or having or claiming any legal or equitable interest in or lien upon the real property hereinafter described; the heirs and legal representatives and unknown heirs and legal representatives of each of the above named and mentioned persons who may be deceased; and the corporate officers, trustees, receivers and stockholders of any of the above named and mentioned parties which may be corporations, foreign or domestic, defunct or otherwise, together with the successors, heirs and assigns of such corporate officers, trustees, receivers or stockholders, own or have or claim an interest in the hereinafter described real property on which taxes are due, owing, unpaid and delinquent to said Plaintiffs, said year and amount set out in Plaintiffs First Amended Petition on file herein:

The property is specifically described as follows:

Property Code: R132438
TRACT #2: GEO# R132438

BEING ALL THAT CERTAIN 0.484 ACRES OUT OF THE MATTHEW BROWN SURVEY, ABSTRACT 115, HUNT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN THAT CERTAIN DEED RECORDED IN VOLUME 1381, PAGE 565, FILED 11/1/2005, OF THE DEED RECORDS OF HUNT COUNTY, TEXAS.

Property Code: P12224
TRACT #3: AREA WIDE WRECKER SERVICE @ BUSINESS PERSONAL PROPERTY

Which said property is delinquent to Plaintiff for taxes in the following amounts:

\$3,717.43, exclusive of interest, penalties, and costs, and there is included in this suit in addition to the taxes all said interest, penalties, and costs thereon, allowed by law up to and including the day of judgment herein.

You are notified that this suit has been brought by the HUNT COUNTY and HUNT MEMORIAL HOSPITAL DISTRICT as Plaintiffs against BRANDON CUMMINGS, TAMMY ANNE CUMMINGS, L EUGENE CUMMINGS, GOODLEAP, LLC F/K/A LOANPAL, LLC, as Defendants by First Amended Petition filed on the November 22, 2023 styled HUNT COUNTY ET AL vs. BRANDON AND TAMMY CUMMINGS INDIVIDUALLY AND DBA AREA WIDE WRECKER SERVICE NKA CELESTE WRECKER AND BODY SHOP. This

suit is for the collection of taxes on said real property, and is now pending in the District Court of HUNT COUNTY, TEXAS 196TH Judicial District as cause number TAX22565. The names of all taxing units which assess and collect taxes on the property hereinabove described which are not listed above and may be made parties to this suit are: None.

Plaintiffs and all other taxing units who may set up their tax claims herein seek recovery of delinquent ad valorem taxes on the property hereinabove described, and in addition to the taxes, all interest, penalties, and costs allowed by law thereon, up to and including the day of judgment herein, and the establishment and foreclosure of liens, if any, securing the payment of same, as provided by law.

All parties to this suit, including Plaintiffs, Defendants and Intervenor, shall take notice that claims not only for any taxes which were delinquent on said property at the time this suit was filed but all taxes becoming delinquent thereon up to the day of judgment, including all interest, penalties, and costs allowed by law thereon, may, upon request therefore, be recovered herein without further citation or notice to any parties herein, and all said parties shall take notice of and plead and answer to all claims and pleadings now on file and which may hereafter be filed in said cause by all other parties herein, and all of those taxing units above named who may intervene herein and set up their respective tax claims against said property.

YOU ARE HEREBY COMMANDED TO APPEAR AND DEFEND SUCH SUIT AT OR BEFORE 10 O'CLOCK A.M. ON THE FIRST MONDAY AFTER THE EXPIRATION OF FORTY-TWO (42) DAYS FROM AND AFTER THE DATE OF ISSUANCE HEREOF, THE SAME BEING THE November 18, 2024 (WHICH IS THE RETURN DAY OF SUCH CITATION), BEFORE THE HONORABLE 196TH DISTRICT COURT OF HUNT COUNTY, TEXAS to be held at the Courthouse thereof, then and there to show cause why judgment shall not be rendered for such taxes, penalties, interest and costs and condemning said property and ordering foreclosure of the constitutional and statutory tax liens thereon for taxes due the Plaintiffs and the taxing units parties hereto, and those who may intervene herein, together with all interest, penalties, and costs allowed by law up to and including the day of judgment herein, and all costs of this suit.

HEREIN FAIL NOT, but of this writ make answer as the law requires.

Issued but not prepared by District Clerk's Office and given under my hand & seal of office of said court of GREENVILLE, HUNT COUNTY, TEXAS on this the 3rd day of October, 2024.



HUNT COUNTY DISTRICT CLERK
PO BOX 1437
GREENVILLE, TX 75403

BY Shana Lee

ACCT#: 12934

File#: 230356

pmcarthur@pbfcm.com

CLERK: FILE WITH FIRST AMENDED PETITION:

HUNT COUNTY ET AL

§ IN THE 196TH DISTRICT COURT
§

VS.

§ IN AND FOR

BRANDON AND TAMMY CUMMINGS
INDIVIDUALLY AND DBA AREA WIDE
WRECKER SERVICE NKA CELESTE
WRECKER AND BODY SHOP

§
§ HUNT COUNTY, TEXAS

AFFIDAVIT OF CITATION BY POSTING

BEFORE ME, the undersigned authority, on this day personally appeared _____, who after being by me duly sworn, says upon his/her oath the following;

- 1. That he/she posted a true copy of the above citation by POSTING at the usual and customary place for posting public notices at the door of the county courthouse in HUNT COUNTY, TEXAS on _____, said date being at least twenty-eight days prior to the return day fixed in said citation.

Sworn to and subscribed before me by _____

on _____.

Notary Public, State of Texas

File #: 230356

SIGN BOTH COPIES
FILE ONE COPY
POST ONE COPY

HUNT COUNTY ET AL

§ IN THE 196TH DISTRICT COURT
§

VS.

§ IN AND FOR

BRANDON AND TAMMY CUMMINGS
INDIVIDUALLY AND DBA AREA WIDE
WRECKER SERVICE NKA CELESTE
WRECKER AND BODY SHOP

§
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NO. TAX22565

HUNT COUNTY ET AL § IN THE 196TH DISTRICT COURT

VS. § IN AND FOR

BRANDON AND TAMMY CUMMINGS § HUNT COUNTY, TEXAS
INDIVIDUALLY AND DBA AREA WIDE
WRECKER SERVICE NKA CELESTE
WRECKER AND BODY SHOP

PLAINTIFFS FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Now come(s) the taxing districts set out below:

HUNT COUNTY and HUNT MEMORIAL HOSPITAL DISTRICT

on behalf of themselves and all taxing districts for whom they collect. Each is a political subdivision of the State of Texas, each is legally constituted and authorized to impose and/or collect ad valorem taxes, and each is hereinafter called "Plaintiff", whether one or more, original or intervenor, and for such cause of action would show the following:

1. The name(s) and address(es) of Defendants is/are:

BRANDON CUMMINGS
6658 FM 903
CELESTE, TX 75423

TAMMY ANNE CUMMINGS
6658 FM 903
CELESTE, TX 75423

L EUGENE CUMMINGS, In Rem Only, DECEASED AND THE HEIRS
OF L EUGENE CUMMINGS

PHARIA, L.L.C., In Rem Only, (BY VIRTUE OF ABSTRACT OF
JUDGMENT, DOC #2018-15795, RECORDED 10/17/18) BY SERVING
ITS PRESIDENT OR VICE PRESIDENT OR ANY AGENT
AUTHORIZED TO ACCEPT SERVICE
2001 WESTERN AVE STE 430
SEATTLE, WA 98121

GOODLEAP, LLC F/K/A LOANPAL, LLC (BY VIRTUE OF A UCC FILING, DOC #2021-01569, RECORDED 1/25/21), BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM
 1999 BRYAN ST STE 900
 DALLAS, TX 75201

and the unknown owner or unknown owners, and any all other persons unknown; including adverse claimants owning or claiming any legal or equitable interest in or lien upon the real property herein described; the heirs and legal representatives known and unknown of the named defendants who may be stockholders of any of the named parties which may be corporations, foreign, domestic, defunct or otherwise, and any successors, heirs or assigns of such corporations.

Said Defendant(s) currently own(s) or claim(s) an interest in the property hereinafter described and/or owned the hereinafter described property on the first day of January of each of the years for which taxes are due and owing. Discovery is intended to be conducted under Level 2 pursuant to Rule 190 of the Texas Rules of Civil Procedure.

2. The taxes in the amounts and for the years shown below were legally imposed on each separately described property and on the respective person named (if known) who owned the property on January 1 of such years. Such taxes are delinquent and owing, along with penalties and interest authorized by law and detailed below:

Property Code: R132437 CPC: 0044-C600-0020-21

Description: Tract #1 - A0044 BARR BENJAMIN F,TRACT C6-2, ACRES 23.04

Year	Taxes	Pen & Int	Total
2019	\$411.29	\$373.45	\$784.74
2020	\$512.41	\$391.48	\$903.89
2021	\$527.65	\$327.15	\$854.80
Total For: HUNT COUNTY			\$2,543.43

Year	Taxes	Pen & Int	Total
2019	\$186.02	\$168.90	\$354.92
2020	\$267.51	\$204.38	\$471.89
2021	\$290.48	\$180.10	\$470.58
Total For: HUNT MEMORIAL HOSPITAL DISTRICT			\$1,297.39

Property Code: R132438 CPC: 0115-0080-0020-21

Description: Tract #2 - A0115 BROWN MATTHEW (HUNT COUNTY), TRACT 9-2, ACRES 0.484

Year	Taxes	Pen & Int	Total
2022	\$26.47	\$10.97	\$37.44
Total For: HUNT COUNTY			\$37.44

Year	Taxes	Pen & Int	Total
2022	\$15.32	\$6.35	\$21.67
Total For: HUNT MEMORIAL HOSPITAL DISTRICT			\$21.67

Property Code: P12224 CPC: 6958-0002-0000-21

Description: Tract #3 - AREA WIDE WRECKER SERVICE @ BUSINESS PERSONAL PROPERTY

Year	Taxes	Pen & Int	Total
2017	\$211.73	\$253.23	\$464.96
2018	\$281.55	\$296.19	\$577.74
2019	\$293.66	\$266.64	\$560.30
2020	\$337.13	\$257.57	\$594.70
2021	\$371.09	\$230.07	\$601.16
2022	\$406.77	\$168.61	\$575.38
Total For: HUNT COUNTY			\$3,374.24

Year	Taxes	Pen & Int	Total
2017	\$99.82	\$119.38	\$219.20
2018	\$129.57	\$136.30	\$265.87
2019	\$132.82	\$120.60	\$253.42
2020	\$176.01	\$134.47	\$310.48
2021	\$204.29	\$126.66	\$330.95
2022	\$235.32	\$97.54	\$332.86
Total For: HUNT MEMORIAL HOSPITAL DISTRICT			\$1,712.78

Total Due For Properties	\$8,986.95
Research Fee:	\$450.00
Total for: December, 2023	\$9,436.95

(This amount does not include court costs which must be paid prior to dismissal).

The property is specifically described as follows:

Property Code: R132437

TRACT #1: BEING 23.04 ACRES, PART OF THE BENJAMIN F BARR SURVEY, ABSTRACT A0044, TRACT C6-2 AS DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 1381 ON PAGE 565 FILED NOVEMBER 1, 2005 IN HUNT COUNTY TEXAS AND BEING FURTHER IDENTIFIED ON THE TAX ROLLS AND RECORDS OF CELESTE INDEPENDENT SCHOOL DISTRICT UNDER ACCOUNT NUMBER R123437.

Property Code: R132438

TRACT #2: BEING ALL THAT CERTAIN 0.484 ACRES OUT OF THE MATTHEW BROWN SURVEY, ABSTRACT 115, HUNT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN THAT CERTAIN DEED RECORDED IN VOLUME 1381, PAGE 565, FILED 11/1/2005, OF THE DEED RECORDS OF HUNT COUNTY, TEXAS.

Property Code: P12224

TRACT #3: AREA WIDE WRECKER SERVICE @ BUSINESS PERSONAL PROPERTY

In addition to the amounts stated above, Plaintiff(s) sue(s) for costs of court, foreclosure sale expenses and research expenses for determining the name, identity and location of necessary parties and in procuring necessary legal descriptions of the property, and other costs, all as authorized by law. Further, Plaintiff(s) sue(s) for all additional taxes which become delinquent on such property prior to judgment, as well as any additional penalties and interest which accrue prior to or after judgment, to the date of sale.

3. Plaintiff(s) would show that all conditions precedent to the right to levy said taxes were performed as required by law; that all of said taxes were authorized by law; and that all things required by law have been duly and legally performed by the proper officials.

4. Plaintiff(s) would further show that the Attorney signing this petition is legally authorized to prosecute this suit on behalf of the taxing unit and Plaintiff(s) therefore request(s) attorney fees as provided by law.

5. Each tract of the said above-described real estate and/or item of personal property was, on January 1st of the aforesaid years and at the time said taxes were imposed, located within the boundaries of each of said taxing units and within the boundaries of HUNT COUNTY, TEXAS. Each taxing unit asserts a lien on each separately described property listed above to secure the payment of all taxes, penalties, interest and costs due.

6. Defendant(s) shall take notice of all pleas and interventions which may be filed by Plaintiff(s) or any party intervening.

7. Plaintiff(s) would show that the party or parties who owned the property, described above, on January 1 of the years indicated are indebted to Plaintiff taxing units for said taxes, penalties and interest, and are liable for all costs herein. Plaintiff(s) seek personal liability against such owners, as well as foreclosure of the tax lien on each separately described property. As to all other Defendants, Plaintiffs' action is a proceeding in rem only, whereby Plaintiff(s) seek(s) to foreclose the tax lien(s) on each separately described property listed in satisfaction of the taxes, penalties, interest and all costs due or to become due herein.

WHEREFORE, Plaintiff(s) pray that Defendant(s) be cited to appear and answer herein and that on final hearing recover the following:

A. Personal judgment against such Defendant(s) who owned the property described herein on January 1st of the years indicated above, for all taxes, penalties, interest, attorney fees, and costs that are due or will become due;

B. Foreclosure of the tax lien(s), issuance of an order of sale and/or execution on the property described above and payment of all taxes, penalties, interest, and costs that are due or will become due and that are secured by such tax lien(s), which tax lien(s) is first, prior and/or superior to any other interest in said property; and

C. Such other and further relief to which Plaintiff(s) may be entitled.

Respectfully submitted,

PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P.
ATTORNEYS AT LAW
PO BOX 2007
TYLER, TX 75710
(903) 597-7664 FAX:(903) 597-6298

BY 

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pwoods@pbfc.com
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Meme L. Thomas / Bar #24088440
mthomas@pbfc.com

ACCT#: 12934
File #: 230356

CERTIFICATE OF SERVICE

This instrument was served in accordance with Rule 21 and 21a of the Texas Rules of Civil

Procedure on this _____ November 22 _____, 2023.



Patrick S. McArthur

Bar No: 24058730

BRANDON CUMMINGS

6658 FM 903

CELESTE, TX 75423

TAMMY ANNE CUMMINGS

6658 FM 903

CELESTE, TX 75423