

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

Mark W. Rasmussen, Receiver for Arisebank

Plaintiff

v.

Richard Smith, Jr. and Kurt F. Matthew, Jr.

Defendant

Civil Action No. 3:18-cv-01034-B

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Richard Smith, Jr.
1600 James Street
Syracuse, New York 13203

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

James A. Cox, Esq.
Counsel for Mark W. Rasmussen, Receiver for AriseBank
Jones Day
2727 N. Harwood St.
Dallas, Texas 75201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 04/24/2018



s/Yolanda Pace

Signature of Clerk or Deputy Clerk

Civil Action No. 3:18-cv-01034-B

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Richard Smith, Jr.
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

MARK W. RASMUSSEN, RECEIVER OF ARISEBANK

Plaintiff

vs

RICHARD SMITH, JR. AND KURT F. MATTHEW, JR.

Defendant

STATE OF NEW YORK
COUNTY OF JEFFERSON

AFFIDAVIT OF SERVICE

Matthew E. Pele being duly sworn, deposes and says that deponent is not a party to this action, is over 18 years of age and resides in the State of New York. Deponent further states that on April 27, 2018 at 2:44 at 1600 JAMES STREET, SYRACUSE, NY 13203

deponent served the within SUMMONS, COMPLAINT WITH EXHIBITS, CIVIL COVER SHEET, NOTICE OF RELATED CASES, AND CERTIFICATE OF INTERESTED PERSONS on RICHARD SMITH, JR., recipient therein named,

INDIVIDUAL by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION by delivering thereat a true copy of each to _____ deponent knew said corporation so served to be the corporation described in said summons and knew said individual to be (TITLE) _____ thereof said corporation.

SUITABLE AGE PERSON by delivering thereat a true copy of each to _____ a person of suitable age and discretion. Said premises is recipient's -- actual place of business -- dwelling house -- usual place of abode within the state

AFFIXING TO THE DOOR by affixing a true copy of each to the door of said premises, which is recipient's -- actual place of business -- dwelling house -- usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

4. On _____ 20____ at _____ On _____ 20____ at _____
On _____ 20____ at _____ On _____ 20____ at _____

Deponent describes the door as follows: _____

MAILING USE WITH 3 or 4 Deponent also enclosed a copy of same in a postpaid sealed envelope properly addressed to recipient at recipient's last known -- residence -- business, at the address of service above, and deposited said envelope in a post office official depository under exclusive care and custody of the United States Postal Service within the state.

DESCRIPTION USE WITH 1., 2. or 3 Deponent describes the individual served as follows:
 Male White Skin () BlackHair () WhiteHair () 14-20Yrs () Under5' () Under100Lbs
() Female () Black Skin () BrownHair () Balding () 21-35Yrs () 5'0"-5'3" () 100-130Lbs
() YellowSkin () BlondHair () 36-50Yrs () 5'4"-5'8" () 131-160Lbs
() BrownSkin GreyHair 51-65Yrs 5'9"-6'0" () 161-200Lbs
() RedSkin () RedHair () Over65Yrs () Over6' Over200Lbs

Other identifying features: _____

MILITARY USE WITH ALL Deponent asked the person spoken to if RICHARD SMITH, JR. was presently in the military service of the United States Government or on active duty in any branch of the armed forces of the United States and was told NO () YES Branch _____ Location _____ Other _____

Sworn to before me, this 1st day of May 2018
Lori C. Cashel
NOTARY PUBLIC

Matthew E. Pele
SIGNATURE
Matthew E. Pele
PRINT FULL NAME

LORI C. CASHEL
Notary Public, State of New York
Qualified in Jefferson County
No 4987809
My Commission Expires 10-21-21