

Cause No. _____

§ IN THE DISTRICT COURT OF

v.

§ MONTGOMERY COUNTY, TEXAS

§ 457th DISTRICT COURT

AFFIDAVIT OF ATTORNEY AD LITEM
FOR

BEFORE ME, the undersigned notary public, on this day appeared _____,
who stated upon oath the following:

My name is_____. I am over the age of 18 years, and I am not disqualified from making this sworn statement. The statements herein are made on my personal knowledge and they are true.

I am a licensed attorney, in good standing with the State Bar of Texas. I was appointed by the above referenced court to represent the interest of

whose location(s) is unknown, and such person's unknown heirs, successors and assigns, whose identities and locations are unknown, unknown owners, such unknown owner's heirs, successors and assigns, and any and all other persons, including adverse claimants, owning or having or claiming any legal or equitable interest in or lien upon the property which is the subject of the delinquent tax claim in this case. The defendant was cited by posting.

I have exercised reasonable diligence in attempting to locate the defendant (and his/her heirs) for whom I was appointed to serve as attorney ad litem, and the results of my search are as stated below.

My search efforts were undertaken for the purpose of attempting to locate the named Defendant(s) or, if he/she is no longer living, their lawful heirs and/or successors. My efforts included the following:

1. Taxing Jurisdiction's Materials. I have reviewed the title, person search and other file materials compiled by the attorneys for the Plaintiff taxing jurisdiction, and I have satisfied myself that the information contained therein did not reveal the whereabouts of the Defendant, or any unknown successors in interest to him/her.

2. Defendant's Ownership Interest. [How is defendant connected to property? Deed type/date. Heir. Lienholder. Assessed Party by MCAD. No ownership interest or connection to property. Etc.]

3. Montgomery Central Appraisal District Records. [Property owner name on MCAD records. Address of property. If mailing address is same or different from property address. Mailing address. Obtain names and addresses of adjacent property owners (of subject property) to attempt contact via letters and/or site visit.]

4. Tax Office Statement(s). [Name and address on current year tax statement.]

5. Other Defendants Contacted. [AAL to attempt contact with other defendants named in lawsuit to get information in locating defendant/heirs.]

6. Death Records. [Records searched and results. Date of Death. Age. Etc.]

7. Probate Records. [County(ies) searched. Probate located? Property specifically identified in probate? Heirs identified? Property devised to specific heir(s)?]

8. Obituary Search. [Obituaries searched and results.]

9. Offender Search. [Montgomery County Sheriff's Office and Texas Department of Criminal Justice searches and results.]
 - <https://apps.jims.hctx.net/sopublic/>
 - <http://offender.tdcj.state.tx.us/OffenderSearch/index.jsp>

10. Military Search. [Records searched and results. Attach any Department of Defense reports.]

13. Other Online Searches. [Internet directories and/or databases searched with results.]

- Google

- Accurint

- Lexis

- White Pages

- Social Media

- OTHER INFORMATION FOUND.

14. Mailed. [Results of letters mailed. At a minimum, a letter shall be mailed to the defendant(s) at the property address]

15. Phone Contacts. [Results of any telephone contacts made or received.]

16. Site Visit. [Date. Time. Description of property. Persons identified. Home or other structure on the property? Does property appear vacant or occupied? Fenced in? Any indication of adverse possession? Vehicles noted? License plate search results. Attach any photos as exhibits. Etc.]

17. Exhibits. [List and attach any exhibits.]

18. Overall Results and Conclusions. [Defendant(s) located? Heirs identified? Adverse parties identified? Interested parties? Must include addresses to serve identified parties. Etc.]

19. Additional Information. [AAL to note all other information in this section.]

I believe, based upon my search, that additional efforts to locate the named Defendant(s) and/or any living heirs or successors will not be successful. Based on the above, I am satisfied that the Defendants, and any living successors to the Defendant(s), cannot be located except as stated above.

I have also investigated to learn whether any other person or entity claims any right, legal or equitable, in the property, including adverse claimants. My investigation _____ [AAL's conclusions based on their investigation]

In the course of fulfilling my duties as attorney ad litem, I have devoted hours of my time. A reasonable fee for the attorney ad litem services rendered in this matter is \$1,000.00, taking into account the factors referenced by the Texas Supreme Court in *Arthur Anderson & Co. v. Perry Equip. Corp.*, 945 S.W.2d 812 (Tex. 1997). In addition, I have incurred out of pocket expenses for postage and copying in the amount of \$_____, which were reasonably incurred in the course of my investigation.

Further affiant sayeth not.

Affiant

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, 20____.

My commission expires:

Notary Public, State of Texas