

LEGAL NOTICE. IMPORTANT NOTICE TO ALL PERSONS WHOM DUMAS INDEPENDENT SCHOOL DISTRICT GRANTED A RESIDENCE HOMESTEAD EXEMPTION FOR TAX YEARS 2015, 2016, 2017, 2018, AND/OR 2019.

CAUSE NO. 17-57

MIGUEL CUELLAR AND CARMEN CUELLAR, on behalf of themselves and others similarly situated,	§	IN THE DISTRICT COURT OF
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
DUMAS INDEPENDENT SCHOOL DISTRICT, BRENT CLARK, JOE RAMMAGE, PATTY WILLIS, KIRK POPE, JOE BALLARD, and BRANDON SKIPWORTH, in their official capacities as members of the Board of Trustees of Dumas Independent School District; and MONTY HYSINGER, in his official capacity as Superintendent of Dumas Independent School District,	§	MOORE COUNTY, TEXAS
	§	
Defendants.	§	
	§	69th JUDICIAL DISTRICT

NOTICE TO CLASS MEMBERS OF CLASS ACTION AND RIGHTS OF CLASS MEMBERS

To: All persons whom Dumas Independent School District granted a residence homestead exemption for tax years 2015, 2016, 2017, 2018, and/or 2019.

Notice is given to you that the Plaintiffs named above (the “Class Representatives”) have filed a suit in the above-entitled district court on behalf of themselves and all members of the class here addressed.

By order dated April 18, 2022, the court in this action determined that the action should be maintained as a class action under the provisions of Rule 42(b)(3) of the Texas Rules of Civil Procedure and directed the giving of this Notice to Class Members.

I. CLASS MEMBERSHIP

The class is comprised of all individuals (1) owning real property within the Dumas Independent School District’s (“DISD”) boundaries, (2) which property had a valid and existing homestead exemption during one or more of the tax years 2015, 2016, 2017, 2018, and 2019, and (3) who actually paid property taxes on those properties in one or more of tax years 2015, 2016, 2017, 2018, and 2019 (the “Relevant Tax Years”).

II. THE ACTION AND CLAIMS ASSERTED

The Class Representatives filed this action alleging that DISD wrongfully repealed or reduced its local option homestead exemption (“LOHE”) for the Relevant Tax Years, and assessed and collected property taxes on residence homestead value for the Relevant Tax Years that the LOHE should have protected from taxation. On behalf of themselves and the class members, the Class Representatives seek a refund of these taxes. The Court has made no determination regarding the merits of Plaintiffs' allegations, and this Notice is not to be construed as an expression of any opinion by the court with respect to the merits of the respective claims or defenses of the parties. This Notice is sent merely to advise you of the pendency of the action and the rights which you have with respect to it.

III. DEFENDANTS

The Defendants in this action are DISD and the members, both current and former, of its Board of Trustees, in their official capacity. Defendants have denied any wrongdoing and have denied any liability to Plaintiffs or any member of the class and have demanded that the Plaintiffs prove their allegations as required by law.

IV. CONSEQUENCES OF CLASS MEMBERSHIP

All members of the class will be bound by the judgment, whether favorable or not. Therefore, all class members will be entitled to share in the benefits of any judgment favorable to the class, after deduction for attorneys' fees and the expenses of litigation, but class members will also be bound by any judgment unfavorable to the class. All members of the class who do not request exclusion as prescribed in the following paragraphs, and who are deemed to have elected to participate in this action, will be entitled to share in the benefits of any judgment favorable to the class or in any settlement of their claims, after deduction of attorneys' fees and the expenses of litigation, but class members will also be bound by any judgment unfavorable to the class. Included class members will also be subject to the orders and notices here given in this action with reference to the furnishing of statements and other matters of that nature.

V. CLASS MEMBERS' RIGHTS

Any member of the class has the right to appear before the court to challenge the court's determination as to the class and its representatives. The Court will exclude any member of the class to whom this Notice is addressed on written request for exclusion that is actually filed and received no later than 7 days before settlement hearing. Persons who request exclusion will not be entitled to share in the benefits of the judgment if it is favorable to Plaintiffs, and will not be bound by the judgment if it is adverse to the Plaintiffs.

All requests for exclusion should be either filed through the Court's e-filing system or mailed by first class mail or delivered to the Clerk of the district court for Moore County, Texas at 715 S. Dumas Avenue, Room 109, Dumas, Texas 79029. All class members who fail to request exclusion within the time specified above will automatically be included in this action as members of the class represented by Plaintiffs.

If any class member does not desire to be excluded but does wish to appear on his or her own behalf, that class member may enter an appearance through counsel of his or her own choosing. All members who do not request exclusion or who do not enter an appearance through counsel of their own choosing will be represented by Plaintiffs through their counsel here named.

VI. CLASS COUNSEL

Counsel for the Plaintiffs and for the members of the class included in this action are:

Shannon W. Conway (No. 24052047)
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All communications and questions concerning this Notice should be sent to these attorneys, and should not be addressed to the clerk of this Court. You should not attempt to contact the Defendants or their attorneys regarding the lawsuit.

VII. FURTHER INFORMATION

If the address of any class member changes or is different than the address used for this Notice, advice concerning the change or a correction should be sent by mail to the attorneys named above.

The 69th judicial district court has retained jurisdiction in this action to alter, amend, or withdraw its Order determining that this case shall be maintained as a class action, at any time before final judgment.

The pleadings and other papers filed in this action are available for inspection in the office of the District Clerk of Moore County, Texas, 715 S. Dumas Avenue, Room 109, Dumas, Texas 79029. **DO NOT WRITE OR TELEPHONE THE COURT OR DISTRICT CLERK FOR INFORMATION.**

Date: April 22, 2022