

ORDINANCE NO. 337

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 15, 2004, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) COUNCILMEMBERS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. In accordance with the general laws and Constitution of the State of Texas, a General Municipal Election is hereby called and ordered for the third Saturday in May 2004, the same being the 15<sup>th</sup> day of said month, at which general election all qualified voters of the City may vote for the purpose of electing the following officials of the City:

Mayor

Councilmember, Position No. 4

Councilmember, Position No. 5

Section 2. No person's name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of the City at the City Offices, located at 16835 FM 1488, Magnolia, Texas 77355, not later than five o'clock (5:00) p.m. on the sixty second (62nd) day before the date of such election. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the office the candidate is seeking and, if applicable, the position number of such position.

Section 3. The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following

polling place, and the following are hereby appointed officers to conduct the above-described election at said polling place:

**POLLING PLACE**

Willie Williams Elementary, Library  
18030 Buddy Riley Boulevard  
Magnolia, Texas 77355

**ELECTION OFFICERS**

Joanne Windham	Presiding Judge
Lois Carrington	Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required by Section 32.009 of the TEXAS ELECTION CODE.

The Presiding Judge shall have the authority to appoint no more than five (5) clerks to assist in the holding of said election, but in no event shall the Presiding Judge appoint less than two (2) clerks.

**Section 4.** The City Secretary is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.031 *et seq.* of the TEXAS ELECTION CODE. The

City Office  
City of Magnolia  
16835 FM 1488  
Magnolia, Texas 77355

is hereby designated as the place for early voting for said election. Said clerks shall keep said office open during the hours that the City Secretary's main office is regularly open for business, that is, from seven thirty o'clock (7:30) a.m. until four thirty o'clock (4:30) p.m., on each day for early voting which

is not a Saturday, a Sunday, or an official state or federal holiday, beginning on the seventeenth (17th) day and continuing through the fourth (4th) day preceding the date of said election. Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the TEXAS ELECTION CODE, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

**Section 5.** Jane Miller is hereby appointed as Presiding Judge of the Early Ballot Board. In accordance with Section 87.001, *et seq.*, TEXAS ELECTION CODE, said Presiding Judge shall appoint at least two (2) other members to said Board, and shall process early voting results in accordance with said TEXAS ELECTION CODE.

**Section 6.** All ballots shall be prepared in accordance with the TEXAS ELECTION CODE. Paper ballots shall be used for early voting by personal appearance and for voting on election day. Early voting by a method other than by personal appearance shall be by paper ballot. All expenditures necessary for the conduct of the election and the purchase of materials therefor is hereby authorized. Compensation of all election officials is hereby established at the maximum amounts permitted under Section 32.091 *et seq.*, TEXAS ELECTION CODE.

**Section 7.** The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

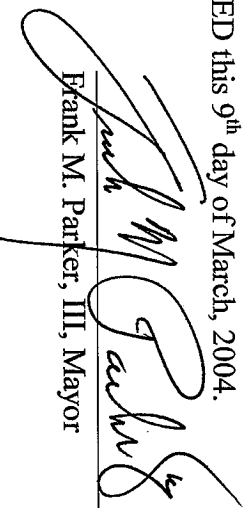
**Section 8.** The candidate receiving the highest number of votes in each of the positions to be filled at such election shall be declared elected to such positions.

**Section 9.** The order in which the names of the candidates are to be printed on the ballot for the general election, and the order in which the names of the candidates are to be printed on the ballot for the special election, shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the TEXAS ELECTION CODE. The City Secretary shall post a notice in her office of the date, hour, and place of drawing. Such notice shall remain posted continuously for seventy-two (72) hours immediately preceding the scheduled time of the drawing, and personal notice shall also be given to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.


**Section 10.** Notice of this election shall be given in accordance with the provisions of the TEXAS ELECTION CODE and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

**Section 11.** Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

PASSED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of March, 2004.

  
\_\_\_\_\_  
Frank M. Parker, III, Mayor

ATTEST:

  
\_\_\_\_\_  
Jane Miller  
City Secretary

## AFFIDAVIT OF PUBLICATION

### STATE OF TEXAS COUNTY OF MONTGOMERY

Personally appeared before the undersigned, a Notary Public within and for said County and State, Nita Phillips, Representative for Robb Reeves,

Publisher of the Conroe Courier, a newspaper of general circulation in the County of Montgomery, State of Texas. Who being duly sworn, states under oath that the report of Legal Notices, a true copy of which is hereto annexed was published in said newspapers in its issue(s) of the

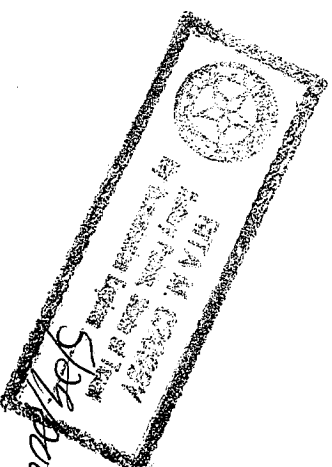
17 day of March, 2004

and the \_\_\_\_\_ day of \_\_\_\_\_, 2004  
Nita Phillips  
Publisher's Representative

Sworn to and subscribed before me this 17<sup>th</sup> day of March, 2004.

Notary Public

My commission expires on May 29, 2005





# Legals

NOTICE OF SALE

TEXAS § BY VIRTUE OF AN ORDER OF SALE  
MERRY COUNTY § DATED JANUARY 15, 2004

In pursuant to judgment decrees of the District Court of Montgomery County, Texas, by the Clerk of said Court, in the hereinafter numbered and styled suit(s), and to me directed and delivered as Sheriff or Constable of y, I have on January 15, 2004, seized, levied upon, and will, on the first Tuesday in April, 2004, the same being y of said month, at the Steps of the Courthouse of the said County, in the City of Conroe, Texas, between the 3 o'clock a.m. and 4 o'clock p.m. on said day, beginning at 10:00 A.M., proceed to sell for cash to the highest bidder the right, title, and interest of the defendants in such suit(s) in and to the following described real estate levied e property of said defendants, the same lying and being situated in the County of Montgomery and the State of

Cause Number Judgment Date	Account Number	Style of Case	Legal Description	Adjudged Value	Estimated Minimum Bid
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1-00517-	00.9431.00.00200	The County of Montgomery, Et Al VS. Estate of Eleonore Ethreard, Et Al	LL 2, Village Woods Clerk's File No. 8503882*	\$4,970.00	\$4,970.00
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1-00052-	00.5335.03.01010	County Of Montgomery VS. Paul Rosenberg	Glennmont Estates 03, Lot 10 Acres 1,000 ABST 234, Clerk's File No. 8228993*	\$4,600.00	\$ 4,600.00
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2-00076-	00.9400.00.06000	The County of Montgomery Vs. Earl C. Wingate Et Al AKA Earl Cester Wingate	Urqubart BK 7 PT 50x125, Acres 0.150, Urqubart Addn, City of Conroe, Clerk's File No. 9767827	\$3,000.00	\$2,705.75
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2-00076-	00.9400.00.06900	The County of Montgomery Vs. Earl C. Wingate Et Al AKA Earl Cester Wingate	Urqubart BK 8 PT 50x125, Acres 0.500, Urqubart Addn, City of Conroe, Clerk's File No. 9767827*	\$6,250.00	\$3,956.29
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1-01908-	00.7050.00.02000	Magnolia ISD Vs. Hutton, Kenneth Allen	Magnolia East, Lot 20, Being 9.770, ABST 336, Clerk's File No. 8913130*	\$34,060.00	\$6,222.40
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1-01908-	00.7050.00.04000	Magnolia ISD Vs. Hutton, Kenneth Allen	Magnolia East, Lot 40, Acres 8.940, ABST 336, Clerk's File No. 8852098*	\$28,190.00	\$5,225.25
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1-02241-	00.0502.02.00604	State of Texas County Of Montgomery Vs. Joyce Stanfield	Smith Lemuel Surv., \$81,000.00 Tract 6C, ABST 502, 50 of An acre, Clerk File Number 8355820*	\$81,000.00	\$10,864.14
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-06452-	00.8987.00.01900	State of Texas County Of Montgomery Vs. Manuel Garcia AKA Garcia, Jr., Et. Al	Spring Creek Pines \$164,420.00 Blk 1, Lot 19 Cabinet 1, Sheet 17- 18, Clerk File No. 2000-080542*	\$164,420.00	\$6,373.88
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-06486-	00.0071.02.00203	County Of Montgomery, ET Al Vs. Randy Smith, Trustee, Et Al	Property 3, MCAD Acce Parcel of Land out of 175.03 Acre Tr out of & A Part Abst 17, Clerk File No., 9608967*	\$87,990.00	\$12,466.03
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06486-	00.0071.02.00204	County of Montgomery, Et Al Vs. Randy Smith, Trustee, Et Al	Property 4, MCAD TR 2-A-1, 14.95 Acce, Tr of land out of 175.03 Acre Tr out of & A Part of John Bricker Surv, ABST 71, Clerk File No. 2001001846*	\$123,210.00	\$12,152.68
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07120-	00.5930.01.02600	Splendora Independent School District VS. Ebare, Louise	Lt 13, Blk 2, Hutchison Acres, Sec 1, Clerk's File # 2003-038673*	\$28,100.00	\$2,446.69
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0954-	00.4011.00.28600	The County of Montgomery Vs.	Lot 286, Deenwood \$57,020.00 Subd. 238.282 Acres.	\$57,020.00	\$1,637.28
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Mayor  
Councilmember, Position No. 4  
Councilmember, Position No. 5

Section 2. No person's name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of the City at the City Offices, located at 16835 FM 1488, Magnolia, Texas 77355, not later than five o'clock (5:00) p.m. on the sixty second (62nd) day before the date of such election. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the office the candidate is seeking and, if applicable, the position number of such position.

Section 3. The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the above-described election at said polling place:

POLLING PLACE  
Willie Williams Elementary, Library  
18030 Buddy Riley Boulevard  
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ELECTION OFFICERS  
Joanne Windham Presiding Judge  
Lola Carrington Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment as required Section 32.009 of the TEXAS ELECTION CODE.

The Presiding Judge shall have the authority to appoint no more than five (5) clerks to assist in the holding of said election, but in no event shall the Presiding Judge appoint less than two (2) clerks.

Section 4. The City Secretary is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.031 et seq. of the TEXAS ELECTION CODE. The

City Office  
City of Magnolia  
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Magnolia, Texas 77355

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Section 10. Notice of this election shall be given in accordance with the provisions of the TEXAS ELECTION CODE and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 11. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

PASSED, APPROVED, AND ADOPTED this 9th day of March, 2004

/s/Frank M. Parker, III, Mayor

ATTEST:

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