

CLERK OF THE COURT  
TABATHA FERGUSON  
BOSQUE COUNTY CLERK  
MERIDIAN, TEXAS

ATTORNEY FILING  
FREDRICK F HOELKE  
138 OLD SAN ANTONIO  
RD. STE 205  
Boerne, TX 78006

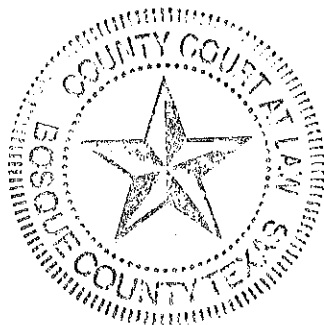
THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF MELBA JOYCE FULTON, deceased, Docket No. **P08508** County Court at Law Bosque County, Texas, **EMIL I FRITZ III** filed in the County Court at Law of Bosque County, Texas, on the **5<sup>th</sup> day of OCTOBER, 2022** an **APPLICATION FOR PROBATE OF MELBA JOYCE FULTON'S LAST WILL AND TESTAMENT AND ISSUANCE OF LETTERS TESTAMENTARY**. Said application will be heard and acted on by said Court **no earlier than 10:00 am on the first Monday** next after the expiration of ten days, from the date of posting this citation, the same being the **17<sup>th</sup> day of OCTOBER, 2022** at the County Courthouse in **MERIDIAN, TEXAS**.

All persons interested in said estate are hereby cited to appear before said Honorable Court at said above mentioned time and place by filing a written answer contesting such application should they desire to do so.

The officer executing this citation shall post the copy of the citation at the Courthouse Door of the county in which proceedings are pending, or at the place in or near said Courthouse where public notices customarily are posted, for not less than 10 days before the return day thereof, exclusive of the date of posting and return the original copy of this citation to the Clerk stating in a written return thereon the time when and the place where he posted such copy.

**GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT** in Meridian, Texas. This the **6<sup>th</sup> day of OCTOBER, 2022**.



*Tabatha Ferguson*  
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TABATHA FERGUSON  
Bosque County Clerk

*Sandra W. Hoelke*  
\_\_\_\_\_  
Deputy

**OFFICER'S RETURN ON CITATION**

Came to hand on the 6 day of Oct, 2022 at  
11:59 o'clock A M. and executed on the 6 day of Oct, 2022  
by posting a copy of the within citation for ten days, exclusive of the day of posting,  
before the return day hereof, at the County Courthouse door of Bosque County,  
Texas, or at the place in or near the said courthouse where public notices customarily are  
posted, that is from 10/6, 2022, through 10/17,  
2022 inclusive.

  
CONSTABLE  
BOSQUE COUNTY, TEXAS

Printed name: Scott Ferguson

CAUSE NO. PO8508

IN RE ESTATE

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IN THE COUNTY COURT

OF

OF LAW

MELBA JOYCE FULTON

BOSQUE COUNTY, TEXAS

**Application for Probate of Melba Joyce Fulton's Last Will and Testament  
and Issuance of Letters Testamentary**

Emil Fritz, III ("Applicant") furnishes the following information to the Court for the probate of the Last Will and Testament of Melba Joyce Fulton ("Decedent") and for issuance of letters testamentary to Applicant, and would show the Court the following:

1. Applicant is an individual interested in this estate, respectively domiciled in and residing at 4022 Applewood Ct., Alvarado, Texas 76009 and the physical address at which service can be had on Applicant. The last three numbers of Applicant's driver's license number are 328, and the last three numbers of Applicant's Social Security number are 183.
2. Decedent died on March 31, 2022 in Meridian, Bosque County, Texas, at the age of 87 years. The last three numbers of Decedent's driver's license number are 445, and the last three numbers of Decedent's Social Security number are 219.
3. This Court has jurisdiction and venue because Decedent was domiciled and had a fixed place of residence in this county on the date of death.
4. Decedent owned real property described generally as her home. Decedent also

owned personal property including cash, securities, automobiles, household goods and personal effects. The combination of real and personal property is of a probable value in excess of \$200,000.

5. Decedent left a valid will ("Will") dated May 11, 2015, which was never revoked and is missing at present. The Estate of the Decedent does possess a copy of that will which is attached as Exhibit A.
6. The name of the subscribing witnesses to the Will are Natalie Koehler and Dennice Gibson, whose signatures were notarized by Cheryl L. Wilson and thus was a self-authenticating will.
7. The original copy of the Will has not been located despite intensive searches through the decedent's papers and other possessions.
8. It is thought that the Will may have been taken from decedent by a family member who was disinherited by the decedent.
9. Furthermore, that family member is upon information and belief to have had the decedent, a patient with severe dementia sign over the title to all of the real and personal property prior to decedent's death.
10. Pursuant to the Tex. Estates Code the following are the beneficiaries under this copy of the Last Will and Testament of Melba Joyce Fulton and citation shall be issued for the following individuals.
  - a. Michael L. Fritz 5932 Dallas Ave, Fort Worth Texas 76112 <sup>1</sup>

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<sup>1</sup> Respondent Michael Fritz will meet with Clerk / Constable to pick up Citation

b. Douglas P., Fritz, 4324 Bradley Ln Apartment 240, Arlington Texas 76017<sup>2</sup>

11. Pursuant to the Texas Estates Code the only heir at law to the Estate of Melba Joyce Fulton and Citation shall be issued is the following:

a. Donna Vivian ONeal, 122 County Rd 2547, Meridian Texas 76665

12. The copy of the Will is attached as Exhibit A and is proffered as proof by the affidavits attached of, Natalie Cobb Koehler, Dennice Gibson. Ms Koehler having drafted and witnessed the execution of the Will by Decedent and each other in the Self Proving Affidavit. And, Michael Fritz and Douglas Fritz – the sons of the decedent – as proof that the copy of the Will that is submitted is an exact replica of the original will.

13. Further the copy of the Will contains the Self Proving Affidavit which is proved up by Natalie Koehler who was the lawyer who both drafted, witnessed and signed the Self Proving Affidavit. It is further proven up by the affidavit of the witness, Dennice Gibson, who signed the self proving affidavit which is part of the copy of the Will being offered into probate.

14. No child or children were born to or adopted by Decedent after the date of the Will.

15. After the date of Decedent's Will, no marriage of Decedent was dissolved.

16. A necessity exists for the administration of this estate.

17. The Will named Applicant to serve as successor executor.<sup>3</sup> Applicant requests that the court appoint Applicant to serve without bond or other security as independent executor. Applicant would not be disqualified by law from serving

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<sup>2</sup> Respondent will meet with Clerk / Constable to Receive Citation.

<sup>3</sup> The original executor, WD Fulton having passed in 2016.

as such or from accepting letters testamentary, and Applicant would be entitled to such letters.

18. The Will did not name either the State of Texas, a governmental agency of the State of Texas, or a charitable organization as a devisee.
19. All Decedent's distributees agree and support collectively designating Applicant, Emil Fritz to serve as independent executor, and request that no other action shall be had in this Court in relation to the settlement of Decedent's estate other than the probating and recording of the Last Will and Testament of Melba Joyce Fulton, Deceased, and the return of an inventory, appraisal, and list of claims or affidavit in lieu of inventory.
20. Applicant requests that the Court grant the executor general authority, as stated in the Will, to sell property without the further consent of Decedent's distributees. All Decedent's distributees agree to this request.

#### **Prayer**

Applicant prays that citation issue as required by law to all persons interested in this estate; that the Will be admitted to probate; that the executrix be granted general authority to sell property without the consent of Decedent's distributees; that letter testamentary be issued to Applicant; and that all other orders be signed as the Court may deem proper.

Respectfully submitted,

*151 Frederick F. Hoelke*

**The Law Offices of Frederick F. Hoelke PLLC**

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**ATTORNEYS FOR THE ESTATE OF  
MELBA JOYCE FULTON**



Emil Fritz III  
Applicant