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MERIDIAN, TEXAS

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BRENTON D. HILL
205 M-B INDUSTRIAL DR
WOODWAY, TX 76712

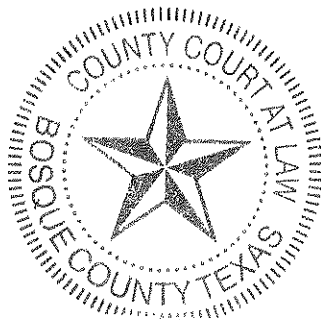
THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF **MARY ALMA THOMAS**, deceased, Docket No. **P08430** County Court at Law Bosque County, Texas, **SUSAN DIANE WINTERS** in the County Court at Law of Bosque County, Texas, on the **22nd day of June, 2023** an **APPLICATION FOR ISSUANCE OF LETTERS TESTAMENTARY UNDER 2020 WILL AS FILED BY JAMES WILHITE**. 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 **10th day of July, 2023** at the County Court at Law Judicial Annex 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 **23rd day of June, 2023**.



Tabatha Ferguson

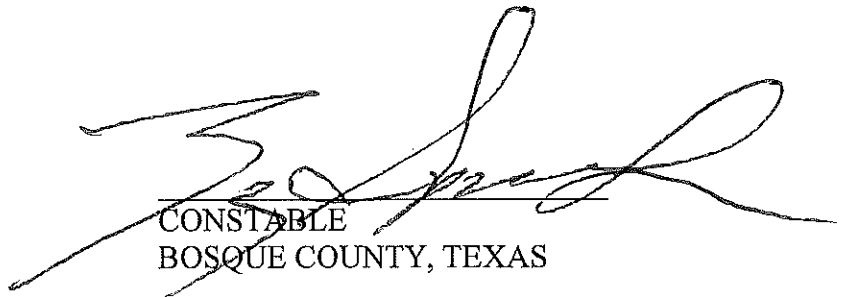
TABATHA FERGUSON
Bosque County Clerk

Wendy Brown

Deputy

OFFICER'S RETURN ON CITATION

Came to hand on the 26 day of June, 2023, at
113 o'clock A M. and executed on the 26 day of June, 2023
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 June 26, 2023, through July 10,
2023, inclusive.



CONSTABLE
BOSQUE COUNTY, TEXAS

Printed name: Ray Spilman

NO. P08430

IN THE ESTATE OF	§	IN THE COUNTY COURT AT LAW
MARY ALMA THOMAS,	§	OF
DECEASED	§	BOSQUE COUNTY, TEXAS

**APPLICATION FOR ISSUANCE OF
LETTERS TESTAMENTARY UNDER 2020 WILL AS FILED BY JAMES WILHITE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Susan Diane Winters ("Applicant"), and furnishes the following information to the Court in support of this Application for issuance of Letters Testamentary in the Estate of Mary Alma Thomas ("Decedent"):

1. Applicant, Susan Diane Winters, is an individual interested in this Estate, being domiciled in and residing in Oklahoma. Susan Diane Winters's address for service of citation is 17988 N. County Road 3015, Lindsay, Oklahoma 73052. The last three digits of the social security number of Susan Diane Winters are 936. The last three digits of the driver's license number of Susan Diane Winters are 575.
2. Decedent died on October 10, 2021, at Dallas, Dallas County, Texas, at the age of 82 years. Decedent's domicile at the time of her death was Meridian, Bosque County, Texas. The last three digits of the social security number of Decedent are 435. The last three digits of the driver's license number of Decedent are 963.
3. This Court has jurisdiction and venue is proper because Decedent was domiciled in Texas and had a fixed place of residence in this County on the date of her death.
4. Decedent owned property described generally as real estate, cash, personal effects and household goods of a probable value in excess of \$100,000.
5. Decedent left a valid Will dated April 18, 2002, a true and correct copy of which was filed by Applicant with the Clerk of this Court on October 29, 2021 (the "2002 Will").

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6. The original 2002 Will could not by any reasonable diligence be produced. A true and correct copy of the original Will was attached to Applicant's pleading with this court on October 29, 2021.

7. At the time of filing the 2002 Will, Applicant believed that the original copy of the Will may have been destroyed when the decedent's house exploded multiple times due to a gas leak in September 2021. This event was the precursor to her death.

8. On December 8, 2021, Decedent's grandson, James Wilhite ("Cross Applicant"), by and through his attorney of record James L. Robertson, filed an "Objection to the Application to Probate 2002 Will Filed by Susan Diane Winters" and "James Wilhite's Application to File 2020 Will" (hereinafter referred to as the "Cross Application").

9. Along with his Cross Application, Cross Applicant produced and filed with the Clerk of this Court a document purporting to be Decedent's Last Will and Testament dated September 18, 2020 (the "2020 Will").

10. The relevant differences in the 2002 Will and the 2020 are as follows

a. the 2002 Will names Susan Winters and Brett Thomas (Decedent's stepson) to serve as Co Independent Executors; whereas, the 2020 Will names Susan Winters to serve as sole Independent Executor, with James Wilhite being named as alternate Independent Executor if Susan Winters should fail to serve.

b. the 2002 Will left Decedent's Estate equally to her two living children (Susan Winters and Linda Barr) and her two stepchildren (Brett Thomas and Donna Henry); whereas the 2020 Will left Decedent's Estate solely to her two living children (50% outright to Susan Winters; 50% for life to Linda Barr, remainder to Linda Wilhite and James Wilhite) with no provision being made for Decedent's two stepchildren.

12. Applicant in good faith believes that the 2002 Will was Decedent's true Last Will and Testament, and that the 2020 Will was executed by Decedent either under duress, with undue influence, or without a full understanding of the contents thereof, and as such Applicant re-affirms for all purposes and in all respects her Application to probate the 2002 Will and for appointment as Independent Co-Executor of the Estate as named by Decedent under the 2002 Will.

13. In the alternative, should this Court determine the 2020 Will to be Decedent's validly executed Will, revoking the 2002 Will, Applicant requests that the Court admit the 2020 Will to Probate and appoint Applicant as Independent Executor thereof in accordance with Decedent's appointment thereunder.

14. Texas Estates Code 304.001 provides the order of priority in which the Court shall grant Letters Testamentary for a decedent's estate, with highest priority being given to the person named as executor in Decedent's Will. *Texas Estate Code 304.001*.

15. The [Estates Code] vests the testator with absolute power to select [her] own representative, and the probate court must appoint the person nominated in the Will as independent executor unless that person is found to be disqualified or unsuitable. *Hunt v. Knolle*, 551 S.W.2d 764, 767 (Tex.Civ.App—Tyler 1977, no writ).

16. Applicant is a suitable executor and is not disqualified from serving as Executor for any of the reasons listed in Texas Estates Code 304.003.

17. Applicant objects to the appointment of Cross Applicant as Independent Executor, as his claim to such is inferior to that of Applicant. Should the Court for any reason determine that Cross Applicant is the appropriate fiduciary of Decedent's Estate, Applicant requests that Cross Applicant be appointed Dependent Administrator subject to the supervision of this Court.

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WHEREFORE, Applicant prays that citation having been issued as required by law to all persons interested in this Estate; that the 2002 Will be admitted to probate; that Letters Testamentary be issued to Susan Diane Winters and Brett Wayne Thomas; and that all other Orders be entered as the Court may deem proper.

WHEREFORE, IN THE ALTERNATIVE, Applicant prays that the 2020 Will be admitted to probate and that Letters Testamentary be issued to Susan Diane Winters as sole Independent Executor.

WHEREFORE, IN THE ALTERNATIVE, Applicant prays that the 2020 Will be admitted to probate and that Letters of Dependent Administration be issued to James Wilhite as sole Dependent Administrator.

Respectfully submitted,

BLANCHARD & THOMAS, PLLC - WACO
205 M-B Industrial Drive
Woodway, Texas 76712
Tel: (866) 219-6119
Fax: (866) 332-4228

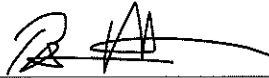
By: 

Brenton D. Hill
State Bar No. 24067662
brent@blanchardthomas.com
Attorney for Susan D. Winters

CERTIFICATE OF SERVICE

I certify that a true copy of this document was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on June 20, 2023:

JAMES L. ROBERTSON by *electronic filing manager*.
ANTHONY E. SILAS by *electronic filing manager*.



Brenton D. Hill
Attorney for Susan D. Winters

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