

No. \_\_\_\_\_

**ESTATE OF** § **IN THE COUNTY COURT**  
**FRANKLIN GRANT FRICKE,** § **AT LAW OF**  
**DECEASED** § **BOSQUE COUNTY, TEXAS**

**APPLICATION FOR PROBATE OF WILL  
 AND ISSUANCE OF LETTERS TESTAMENTARY**

To the Honorable Judge of the Court:

**Lesli Diane Shafer**, *Applicant*, furnishes the following information to the Court for the probate of the written Will of **Franklin Grant Fricke**, *Decedent*, and for issuance of *Letters Testamentary*:

1. Applicant is an individual interested in this estate, domiciled in and residing at 126 PR 3663, China Spring, Bosque County, Texas 76633. The last three digits of Applicant's Social Security and Texas driver's license numbers are 578 and 178, respectively.

2. Decedent died on June 23, 2023, at Saint Catherine Center in Waco, McLennan County, Texas 76712, at the age of 92 years. The last three digits of Decedent's Social Security number and driver's license numbers are 026 and 234, respectively.

3. This Court has jurisdiction and venue because Decedent resided in this county at the time of death and Decedent owned property interests in this county.

4. Decedent owned real and personal property described generally as homestead and other real estate in Bosque County and Hill County, Texas, a vehicle, household goods and personal effects of a probable value of less than \$500,000.00.

5. Decedent left a valid, written Will dated October 5, 2022, *the Will*, which was never revoked and is filed in this cause.

6. The subscribing witnesses to the Will were Zachary B. Brown, who currently resides near Clifton, Bosque County, Texas & Libby Robertson, who currently resides near Clifton, Bosque County, Texas. The Will was self-proved in the manner prescribed by law.

7. Decedent was married only once and then to Shirley Fricke, which ended in divorce in the 1980s, in Colleyville, Tarrant County, Texas. Of this marriage, 5 children were born and 3 children were adopted:

**Lesli Diane Shafer**, now an adult, residing at 126 PR 3663, China Spring, Bosque County, Texas 76633;

**Kimberly Sue Clawson**, now an adult, residing at 1004 Camphor St., Denton County, Hickory Creek, Texas 75065;

**John Karl Fricke**, now an adult, residing at 5020 Running Brook Drive, Joshua, Johnson County, Texas 76058;

**Nan Marie Bowen**, now an adult, residing at 100 Royal Oaks, Double Oak, Denton County, Texas 75077;

**Gregory Scott Fricke**, now an adult, residing at 3232 Appaloosa Rd., Evergreen, Jefferson County, Colorado 80439;

**Brian Gant Fricke**, now an adult, residing at 15702 Walnut Creek Dr., San Antonio, Bexar County, Texas 78247;

**Jennifer Leanne McCabe**, now an adult, residing at 1219 Lynn Dr., Arlington, Ellis County, Texas 76002; and

**Kristin Nicole Wise**, now an adult, residing at 2915 Northrope St., Euless, Tarrant County, Texas 76039.

No other child was ever born to Decedent, adopted by Decedent, or taken into Decedent's home with the understanding of adoption.

None of Decedent's marriages were dissolved after the date of the Will.

8. A necessity exists for administration of this estate.

9. Neither Texas, nor any governmental agency of Texas, nor any charitable organization is named in the Will as a devisee. The Will's equal share beneficiaries are Lesli Diane Shafer, now an adult, residing at 126 PR 3663, China Spring, Bosque County, Texas 76633; Kimberly Sue Clawson, now an adult, residing at 1004 Camphor St., Denton County, Hickory Creek, Texas 75065; John Karl Fricke, now an adult, residing at 5020 Running Brook Drive, Joshua, Johnson County, Texas 76058; Nan Marie Bowen, now an adult, residing at 100 Royal Oaks, Double Oak, Denton County, Texas 75077; Gregory

Scott Fricke, now an adult, residing at 3232 Appaloosa Rd., Evergreen, Jefferson County, Colorado 80439; Brian Gant Fricke, now an adult, residing at 15702 Walnut Creek Dr., San Antonio, Bexar County, Texas 78247; Jennifer Leanne McCabe, now an adult, residing at 1219 Lynn Dr., Arlington, Ellis County, Texas 76002; and Kristin Nicole Wise, now an adult, residing at 2915 Northrope St., Euless, Tarrant County, Texas 76039.

10. Decedent did not apply for or receive Medicaid benefits on or after March 1, 2005.

11. Decedent's Will named Applicant to serve without bond or other security as Independent Executor, and Applicant would not be disqualified by law from serving as such or from accepting *Letters Testamentary*, and Applicant would be entitled to such Letters.

12. Decedent's Will (paragraph 5) grants the Independent Executor full power and authority over Decedent's assets, including the power to sell, manage and dispose of Decedent's property.

13. Pursuant to *Texas Estates Code Section 256.052(b)*, no information required for this Application has been omitted.

Applicant prays that citation issue as required by law to all persons interested in this Estate; that the Will be admitted to probate; that *Letters Testamentary* be issued to Applicant; and that all other orders be entered as the Court may deem proper.

Respectfully submitted,



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Patricia Ferguson  
Attorney for Applicant  
State Bar No.: 06918400  
[pferguson@bosquelaw.com](mailto:pferguson@bosquelaw.com)  
Patricia Ferguson & Associates, LLC  
815 West 5<sup>th</sup> Street  
Clifton, Texas 76634-1519  
Telephone: (254) 675-8663  
Facsimile: (254) 675-4567

# *Last Will & Testament* *Of* *Franklin Grant Fricke*

I, Franklin Grant Fricke, a resident of Bosque County, Texas, being of sound mind and disposing memory, declare this to be my Will and hereby revoke all prior Wills and codicils made by me.

## ***1. Payment of Debts and Expenses***

First, I direct that all expenses of my last illness, funeral expenses, all debts which may be rightfully owing against me, and all taxes of every nature which I may owe shall be paid out of my estate. My Independent Executor, however, shall have absolute discretion to distribute any property in my estate subject to and without paying any indebtedness secured by such property. Any distributee receiving property encumbered by a lien will be considered to have received the value of any equity in such property.

## ***2. Family***

2.1 I am not married.

2.2 My children are Lesli Diane Shafer, Kimberly Sue Clawson, John Karl Fricke, Nan Marie Bowen, Gregory Scott Fricke, Brian Grant Fricke, Jennifer Leanne McCabe and Kristin Nicole Wise.

## ***3. General Gifts***

3.1 I give, devise and bequeath my entire estate to my children, Lesli Diane Shafer, Kimberly Sue Clawson, John Karl Fricke, Nan Marie Bowen, Gregory Scott Fricke, Brian Grant Fricke, Jennifer Leanne McCabe and Kristin Nicole Wise, in equal shares, provided they survive me.

3.2 If any child should fail to survive me and leave descendants, their share shall go and pass to their descendants, per stirpes. If any child should fail to survive me and leave no descendants, their share shall go and pass to their then living siblings or their descendants, per stirpes.

3.3 Any other property of mine which has not been disposed of under any other provision of this Will shall go and be distributed to my heirs-at-law. Their identity and respective shares shall be determined in all respects as if my death had occurred immediately following the happening of the event requiring such distribution, and

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according to the laws of Texas then in force governing the distribution of the estate of an intestate.

#### **4. *Fiduciary Appointments***

4.1 Independent Executor Without Bond. I nominate, constitute and appoint Lesli Diane Shafer to serve as Independent Executor of my Will and estate. If, for any reason, Lesli Diane Shafer does not, or ceases to, serve as my Independent Executor, I nominate, constitute and appoint John Karl Fricke to serve as the successor Independent Executor of my Will and estate. Any Executor or successor Executor appointed under this Will shall serve without the necessity of any bond.

#### **5. *Executor's Powers***

5.1 Independent Authority. To the maximum extent permitted by law, my Independent Executor, and any successor, may act independently and free from control by any court. No action of any nature may be had in any court with probate jurisdiction in relation to the settlement of my estate other than the probating and recording of my Will and, if required, the return of an inventory, appraisal, and list of claims of my estate. Without limiting the powers under this paragraph, my Executor and any successor Executor shall have the following additional powers.

A. My Independent Executor, and any successor, may sell or otherwise dispose of any property in my estate and he or she may execute and deliver proper deeds, assignments and other written instruments and do any and all things proper or necessary in the orderly handling and management of my estate.

B. My Independent Executor, and any successor, shall have full power and authority to compromise, settle and adjust any and all debts, claims and taxes which may be due from or owing by my estate.

C. My Independent Executor, and any successor, shall have all of the powers granted to him or her as an Independent Executor under Texas law or any other applicable law.

D. My Independent Executor, and any successor, shall have any other powers appropriate to properly administer and distribute my estate.

E. My Independent Executor, and any successor, may charge the same fees customarily charged for similar services at the time the services are performed.

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## **6. General Provisions**

6.1 References. Any reference to "the," "this," "any," or "my," "Executor," "Trustee," or "Guardian" in this Will also means and includes any ancillary fiduciaries, co-fiduciaries, alternates or successors while serving in that fiduciary capacity under my Will.

6.2 Change in Fiduciary. Any successor fiduciary is relieved of any duty to examine the acts of any prior fiduciary, without the necessity of any court accounting, and any successor fiduciary will be responsible for only those assets which are actually delivered to that fiduciary.

6.3 Waiver of Bond; Release, Indemnity and Hold Harmless. No bond may be required of any fiduciary. Any fiduciary may rely in good faith upon the written opinion of an attorney, any facts stated in any instrument in writing and believed to be true, or any other evidence deemed sufficient. Any fiduciary is released, indemnified and held harmless from any liability, except to the extent of any profit derived by the Trustee from a breach of fiduciary duty, for any action that fiduciary may take, or for the failure of that fiduciary to take any action, if done in good faith and without gross negligence, including, without limitation, indemnity for the ordinary negligence of that fiduciary.

6.4 Records. All assets, books of account and records of my estate will be available for inspection at all times during business hours by any fiduciary under my Will, by any beneficiary, or by any person or persons designated by any one of them.

6.5 Survival. For purposes of this Will, no person will be considered to have survived me unless he survives me by one hundred and eighty (180) days or until this Will is admitted to probate, whichever occurs earlier.

6.6 Spendthrift Protection. Prior to the actual receipt of property by any beneficiary, no property (income or principal) distributable under my Will is subject to anticipation or assignment by any beneficiary, or to attachment by, or to the interference or control of, any creditor or assignee of any beneficiary, or to be taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary. Any attempted transfer or encumbrance of any interest in that property by any beneficiary prior to distribution will be absolutely void.

6.7 Powers of Appointment. The gift of my residuary estate does not exercise any power of appointment.

6.8 Headings. The headings in this Will are for convenient reference only. They are not part of the Will and do not affect its meaning.

6.9 Number and Gender. Where appropriate to the context of this Will, the singular may be construed as plural, the plural may be construed as singular, and one gender may be construed as another gender.

  
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## **7. Definitions**

The definitions in this section apply to terms used in this Will. In case of any conflict between these definitions and any other provision contained in this Will, these definitions govern.

7.1 Children. The words "child" and "children" include any biological child, as well as any adopted child, but only if the adopted child is adopted by a legal proceeding begun before that child reaches age 18. A child in gestation who is born alive will be considered a child throughout the period of gestation.

7.2 Descendants. The word "descendants" includes:

- A. biological children and the descendants of those children; and
- B. any adopted child or adopted descendant, but only if that adopted child or descendant is adopted by a legal proceeding begun before that child reaches age 18.

**[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

I have placed my initials on each of the preceding pages of this, my Will, and in the presence of two witnesses, whom I have requested to act as witnesses and to sign this Will in that capacity, in my presence and in the presence of each other, I sign my name on this instrument as my Will, on this 29<sup>th</sup> day of Sept, 2022.

Franklin Grant Fricke  
Franklin Grant Fricke, Testator

The above instrument was signed by the Testator in our presence and declared by him to be his Will, and we, the undersigned witnesses, sign our names here as witnesses at the request and in the presence of the Testator, and in the presence of each other, on this 5<sup>th</sup> day of October, 2022.

[Signature]  
Witness  
815 West 5<sup>th</sup> Street  
Clifton, Texas 76634

[Signature]  
Witness  
815 West 5<sup>th</sup> Street  
Clifton, Texas 76634



SELF PROVING AFFIDAVIT

THE STATE OF TEXAS

§  
§  
§

COUNTY OF BOSQUE

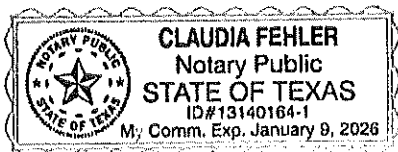
Before me, the undersigned authority, on this day personally appeared Franklin Grant Fricke, Zachary B. Brown and Libby Robertson, known to me to be the Testator and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of said persons being by me duly sworn, the said Franklin Grant Fricke, Testator, declared to me and to the said witnesses in my presence that this instrument is his Will, and that he willingly made and executed it as his free act and deed; and the said witnesses, each on his or her oath stated to me, in the presence and hearing of the said Testator, that the said Testator declared to them that said instrument is his Will, and that he executed same as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of the said Testator and at his request; that he was at that time eighteen years of age or over and was of sound mind; and that each of said witnesses was then at least fourteen years of age.

Franklin Grant Fricke  
Franklin Grant Fricke, Testator

[Signature]  
Witness

Libby Robertson  
Witness

SUBSCRIBED AND SWORN TO BEFORE ME by the said Franklin Grant Fricke, Testator, and by the said Zachary B. Brown and Libby Robertson, witnesses, this 5 day of October, 2022.



Claudia Fehler  
Notary Public, State of Texas

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### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Libby Robertson on behalf of Patricia Ferguson  
Bar No. 6918400  
libby@bosquelaw.com  
Envelope ID: 77807107  
Filing Code Description: Application  
Filing Description: Application for Probate of Will and Issuance of Letters Testamentary  
Status as of 7/24/2023 12:26 PM CST

Associated Case Party: LesliDianeShafer

Name	BarNumber	Email	TimestampSubmitted	Status
Patricia D. Ferguson		pferguson@bosquelaw.com	7/24/2023 12:01:13 PM	SENT

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Libby Robertson		libby@bosquelaw.com	7/24/2023 12:01:13 PM	SENT

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

ATTORNEY FILING  
PATRICIA FERGUSON  
815 W 5TH ST  
Clifton, TX 76634

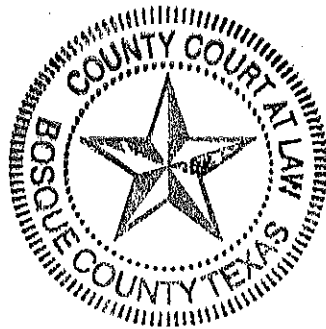
THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF **FRANKLIN GRANT FRICKE**, deceased, Docket No. **P08589** County Court at Law Bosque County, Texas, **LESLI DIANE SHAFER** filed in the County Court at Law of Bosque County, Texas, on the **24<sup>th</sup> day of July, 2023** an **APPLICATION FOR PROBATE OF WILL 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 **7<sup>th</sup> day of August, 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 **24<sup>th</sup> day of July, 2023**.



*Tabatha Ferguson*  
\_\_\_\_\_  
TABATHA FERGUSON  
Bosque County Clerk

*She Dmedle*  
\_\_\_\_\_  
Deputy

**OFFICER'S RETURN ON CITATION**

Came to hand on the 25 day of July, 2023, at  
11:34 o'clock A M. and executed on the 25 day of July, 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 7/25, 2023, through 8/7,  
2023, inclusive.

Scott Ferguson  
CONSTABLE  
BOSQUE COUNTY, TEXAS

Printed name: Scott Ferguson