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MERIDIAN, TEXAS

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

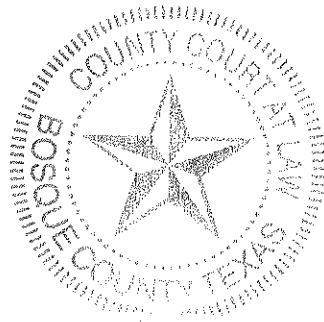
THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF **CHESLEY ARNOLD WILBURN**, deceased, Docket No. **P08596** County Court at Law Bosque County, Texas, **MARY LOUISE SOMMERFIELD** filed in the County Court at Law of Bosque County, Texas, on the **8th day of August, 2023** an **APPLICATION FOR PROBATE OF WILL AS A MUNIMENT OF TITLE**. 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 **21st 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 **8th day of August, 2023**.



Tabatha Ferguson

TABATHA FERGUSON
Bosque County Clerk

Sue Orndelle

Deputy

OFFICER'S RETURN ON CITATION

Came to hand on the 8 day of Aug, 2023, at
4:33 o'clock P M. and executed on the 8 day of Aug, 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 8/8, 2023, through 8/21,
2023, inclusive.


CONSTABLE
BOSQUE COUNTY, TEXAS

Printed name: Scott Ferguson

No. _____

ESTATE OF	§	IN THE COUNTY COURT
	§	
CHESSLEY ARNOLD WILBURN,	§	AT LAW OF
	§	
DECEASED	§	BOSQUE COUNTY, TEXAS

**APPLICATION FOR PROBATE OF WILL
AS A MUNIMENT OF TITLE**

To the Honorable Judge of the Court:

Mary Louise Sommerfield, *Applicant*, furnishes the following information to the Court for the probate of the written Will of Chessley Arnold Wilburn, *Decedent*, as a Muniment of Title:

1. Applicant's Information

Applicant, Mary Louise Sommerfield, an individual interested in this estate domiciled and residing at 200 Cap Fisk Road, Valley Mills, McLennan County, Texas 76689. The last three digits of Applicant's Social Security number are 612. The last three digits of Applicant's Texas driver's license are 766.

2. Decedent's Information, Fact, Date and Place of Death

Decedent died on June 26, 2023 at the Lutheran Sunset Home in Clifton, Bosque County, Texas, at the age of 79 years old. Decedent's domicile on the date of death was 200 Cap Fisk Road, Valley Mills, McLennan County, Texas 76689.

The last three digits of Decedent's Social Security number are 656. The last three digits of Decedent's Texas driver's license are 085.

3. Jurisdiction and Venue

This Court has jurisdiction over this matter and venue is proper because Decedent died in Bosque County, Texas.

4. Property

Decedent owned real and personal property generally described as:

- 1) 0.766 acres of land in the Town of Valley Mills, Bosque County, Texas, and being a part of Lots 1, 2, and 3, Block 16, of the R.M. Townley, A.W. Potts, J.L. Preston, W.W. Tubbs and M. H. Richards Addition to the town of Valley

Mills, Bosque County, Texas and also being a part of that certain tract conveyed to Zora McNeill by deed recorded in Volume 142, Page 581 of the Bosque County, Texas Deed Records.

- 2) notes receivable, vehicles, household goods and personal effects of a probable value of less than \$200,000.

5. Medicaid Benefits

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

6. Details of Will

Decedent left a valid Will dated October 20, 2015, which was never revoked and is filed with this Application. On that date Decedent was over the age of eighteen years and of sound mind.

7. Subscribing Witnesses to the Will Facts

The subscribing witnesses to Decedent's Will were Patricia Coy (now Ferguson), who currently resides near China Spring, Bosque County, Texas and Jessica Erickson, who currently resides in Clifton, Bosque County, Texas. The Will was self-proved in the manner prescribed by law.

8. Time Between Date of Death and Application

Four years have not elapsed since the date of Decedent's death and before the application.

9. No Unsecured, Unpaid Debt

Decedent's estate does not owe an unpaid debt, other than any debt secured by a lien on real estate, or for another reason there is no necessity for administration of the estate.

10. Family History

Decedent was married five times:

1. Decedent's first marriage was to Francine Jowers, which ended in divorce in about the year 1968 in Pulaski, Arkansas. Of this marriage one child was born:
 - A. Jeffrey Todd Wilburn, deceased on December 18, 2017.
2. Decedent's second marriage was to Linda Fay Burroughs which ended in divorce in about the year 1969 in Arkansas. No children were born of this marriage.

3. Decedent's third marriage was to Cheryl Anne Privitt, which ended in divorce in about the year 1976 in Red River County, Texas. No children were born of this marriage.
4. Decedent's fourth marriage was to Verlene Fay Wadford, which ended in divorce in about the year 1987 in Lamar, Texas. No children were born of this marriage.
5. Decedent's fifth and final marriage was to Mary Louise Sommerfield on January 3, 1997 in Bosque County, Texas and is Decedent's surviving spouse. No children were born of this marriage.

After the date of the Will, no child was born to or adopted by Decedent and no marriage of Decedent was ever dissolved.

11. Government Agency or Charity Named as Devisee

Neither the State of Texas nor a governmental agency nor a charitable institution is a Will beneficiary. Applicant is the Will's sole beneficiary and Decedent's surviving spouse.

12. Report by Applicant

The Court is requested pursuant to Section 257.103 of the Texas Estates Code to waive the requirement for filing a sworn affidavit stating specifically the terms of the Will that have been fulfilled and the terms that have not been fulfilled.

Applicant requests that citation issue to all persons having any interest in Decedent's estate as required by law, that Decedent's Will be admitted to probate as a muniment of title without any administration of the Will or estate required, and that this Court enter all other orders it deems proper.

Respectfully submitted,



Patricia Ferguson
Attorney for Mary Louise Sommerfield
State Bar No: 06918400
pferguson@bosquelaw.com
Patricia Ferguson & Associates, LLC
815 West 5th Street
Clifton, Texas 76634
Phone: (254) 675-8663
Fax: (254) 675-4567

VERIFICATION

STATE OF TEXAS §

COUNTY OF BOSQUE §

I, Mary Louise Sommerfield, being duly sworn, state on my oath that each fact stated in the above Application for Probate of Will as Muniment of Title is within my personal knowledge, is true in substance and in fact, and that no material fact or circumstance, to my knowledge, has been omitted.

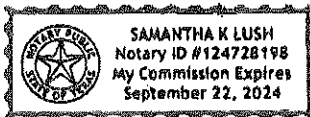
Mary Louise Sommerfield

Mary Louise Sommerfield, Applicant

SUBSCRIBED AND SWORN TO before me on this the 24th day of August, 2023, to certify which witness my hand and seal of office.

Samantha Kaye Lush

Notary Public, State of Texas



Last Will & Testament
of
Chessley Arnold Wilburn

I, **Chessley Arnold Wilburn**, of the County of McLennan and the State of Texas, being in good health, of sound and disposing mind and memory, do make and declare this instrument to be my Last Will and Testament, hereby expressly revoking all former Wills and Codicils made by me at any time heretofore, and intending hereby to dispose of all the property of whatever kind and wherever situated which I own, or in which I have any kind of interest at the time of my death.

I. Identity of the Family

My wife's name is Mary Louise Sommerfield. All references in this Will to "my wife" are to her. My only child is Jeffrey Todd Wilburn. I intentionally make no provision in this Will for Jeffrey Todd Wilburn.

II. Payment of Expenses

I direct that all the expenses of my last illness, my funeral expenses, and my just personal debts, including any inheritance taxes, transfer taxes, and estate taxes which may be levied by the United States Government or by any state by reason of my death, shall be paid by my Independent Executor out of the residue of my estate as soon as conveniently may be done; provided that my Independent Executor, in such Executor's sole discretion, may distribute from time to time any real or personal property in my estate which at my death is subject to a lien securing an indebtedness upon it without discharging said indebtedness, if in my Independent Executor's judgment, the condition of my estate so requires. The distributee shall then be considered as having received my estate's equity in the property.

III. Disposition of Estate

If my wife, Mary Louise Sommerfield, survives me, I give, devise and bequeath to her all of my estate of whatsoever kind and wheresoever situated.

If my wife, Mary Louise Sommerfield, does not survive me, I direct that my estate be distributed as follows:



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A. To Alan Morgan: If, at the time of my death, Alan Morgan resides on Lot 1, Block 1, Sommerfield Addition, McLennan County, Texas, I leave the following three tracts of land to Alan Morgan, as his sole and separate property and estate:

- Lot 2, Block 1, Sommerfield Addition, McLennan County, Texas, described in a Plat recorded under McLennan County Clerk's Instrument Number 2015022510;

- 4.07 acres out of the Wm. Lawrence Survey, Abstract 556, McLennan County, Texas, described in a deed to Alton Sommerfield and Mary Lou Sommerfield, recorded in Volume 1175, Page 800 of the McLennan County Clerk's Deed Records; and

-3.38 acres out of the Wm. Lawrence Survey, Abstract 556, McLennan County, Texas, described in a deed to Mary Louise Sommerfield, recorded in Volume 1835, Page 891 of the McLennan County Deed Records.

If Alan Morgan predeceases me or is not residing on Lot 1, Block 1 Sommerfield Addition, McLennan County, Texas, at the time of my death, I direct that these three tracts of land be distributed to Rhonda Carr. If Rhonda Carr predeceases me, I direct that this gift be distributed to David Carr.

B. I request that my Will beneficiaries and Executor honor the provisions of any memorandum written by me (which is not a part of this Will) directing the disposition of any portion of my personal and household effects.

C. I give, devise and bequeath all of the rest and remainder of my estate of whatsoever kind and wheresoever situated as follows:

30% undivided interest in remaining real estate to Roy Wilburn: If Roy Wilburn predeceases me, I direct that this share of my residuary estate be distributed to Rhonda Carr. If Rhonda Carr predeceases me, I direct that this share of my residuary estate be distributed to David Carr.

D. I give all the rest and residue of my estate to Rhonda Carr: If Rhonda Carr predeceases me, I direct that this share of my residuary estate be distributed to David Carr.


CAW

IV. Definition of Survival

Any legatee, devisee, donee, person or beneficiary with respect to all or any part of my estate who shall not survive until sixty (60) days after the date of my death, or until this Will is probated, whichever occurs earlier, shall be deemed to have predeceased me, and shall be treated for all purposes herein as though such person had predeceased me. Any person who is prohibited by law from inheriting property from my estate shall be treated as having failed to survive me.

V. Appointment of Executor

A. I hereby nominate, constitute and appoint my wife, Mary Louise Sommerfield, as Independent Executor of my estate. In the event she predeceases me or fails or refuses to qualify, or dies, resigns, or become unable to serve during the administration of my estate, I hereby nominate, constitute and appoint my Rhonda Carr, as Independent Executor, and all the powers, duties and responsibilities granted and imposed upon Mary Louise Sommerfield shall devolve upon and be exercised by Rhonda Carr. In the event Rhonda Carr predeceases me or fails or refuses to qualify, or dies, resigns, or become unable to serve during the administration of my estate, I hereby nominate, constitute and appoint Roy Wilburn, as Independent Executor, and all the powers, duties and responsibilities granted and imposed upon Rhonda Carr shall devolve upon and be exercised by Roy Wilburn.

B. If any individual Independent Executor becomes unable to discharge his or her duties under this Will because of accident, physical or mental illness or deterioration, or other cause and does not resign, then upon certification in a form sufficient for the recording of a deed in the State of Texas by two medical doctors (neither of whom is a beneficiary under this Will) affirming that each has examined the Independent Executor and that each has concluded, based on such examination, that the Independent Executor is unable to discharge his duties under this Will, the Independent Executor shall cease to serve, as if he had resigned, effective the date of the certification.

C. It is my will and desire and I hereby direct that in the administration of my estate, my Independent Executor or any successor shall not be required to furnish any bond of any kind and that no action shall be had in any court in the administration of my estate other than the probating of this, my Last Will and Testament, and the filing of any Inventory, Appraisalment and List of Claims of my estate that may be required.

VI. Powers of Executor

The estate created or arising by virtue of my death and this instrument, my Last Will and Testament, shall be governed by and administered in accordance with the following provisions:

A. I hereby grant unto my Independent Executor or any successor named above, full power and authority over any and all of my estate and they are hereby


CAW

authorized to sell, manage, and dispose of the same or any part thereof, and in connection with any such sale or transaction, make, execute and deliver proper deeds, assignments and other written instruments and to do any and all things proper or necessary in the orderly handling and management of my estate.

B. My Independent Executor or any successor named above, 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 or any successor named above, shall have full power and authority to deal with any person, firm, or corporation.

D. My Independent Executor or any successor named above, shall have full power to borrow money at any time and in any amount from time to time for the benefit of my estate, from any person, firm, or corporation or from any bank or trust company and to secure the loan or loans by pledge, deed of trust, mortgage or other encumbrances on the assets of the estate and from time to time to renew such loans and give additional security.

E. As compensation for his services hereunder, my Independent Executor or any successor named above shall be entitled to charge the same fees customarily charged for similar services in other estates at the time the services are rendered.

VII. Spendthrift Provision

No interest of any beneficiary in the corpus or income of my estate shall be subject to assignment, alienation, pledge, attachment, or claims of creditors of such beneficiary and may not otherwise be alienated or encumbered by such beneficiary, except as may be otherwise expressly provided herein.

VIII. Definitions and Interpretations

For purposes of interpretation of this, my Last Will and Testament, and the administration of the estate established herein, the following provisions shall apply:

A. The words "descendant or descendants" and similar terms shall be deemed to include only children born or adopted (on or before eighteen years of age).

B. When a distribution is directed to be made to any person's descendants "per stirpes," the division into stirpes shall begin at the generation nearest to such person that has a living member.

C. The use of the masculine, feminine or neuter genders shall be interpreted to include the other genders, and the use of either the singular or the plural number shall be interpreted to include the other number, unless such an interpretation in a particular case is inconsistent with the general tenor of this instrument. Any references herein

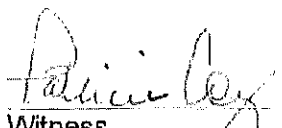
relating to my Independent Executor shall include his successors regardless of the gender of the successors.

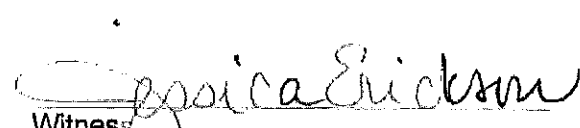
D. This Will shall be probated in accordance with the laws of Texas, and should any provisions of the same be held unenforceable or invalid for any reason, the unenforceability or invalidity of said provision shall not affect the enforceability or validity of any other part of this Will.

I, **Chessley Arnold Wilburn**, as Testator, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority that this instrument is my Will, that I have willingly made and executed it in the presence of the undersigned witnesses, all of whom were present at the same time, as my free act and deed, and that I have initialed each page and I have requested each of the undersigned witnesses to sign this Will in my presence and in the presence of each other. I now sign this Will in the presence of the attesting witnesses and the undersigned authority on OCT 20 2015, 2015.

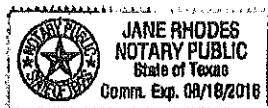

Chessley Arnold Wilburn, Testator

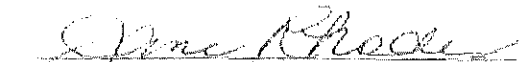
The undersigned Patricia Coy and Jessica Erickson each being above fourteen years of age, after being duly sworn, declare to the Testator and to the undersigned authority that the Testator declared to us that this instrument is the Testator's Will and that the Testator requested us to act as witnesses to the Testator's Will and signature. The Testator then signed this Will in our presence, all of us being present at the same time. The Testator is eighteen years of age or over (or being under such age, is or has been lawfully married, or is a member of the armed forces of the United States or of an auxiliary thereof or the Maritime Service), and we believe the Testator to be of sound mind. We now sign our names as attesting witnesses in the presence of the Testator, each other, and the undersigned authority on this 20th day of October, 2015.


Witness
815 West 5th Street
Clifton, Texas 76634


Witness
815 West 5th Street
Clifton, Texas 76634

SUBSCRIBED AND SWORN TO BEFORE ME by the said **Chessley Arnold Wilburn**, Testator, and by the said Patricia Coy and Jessica Erickson Witnesses, this 20th day of October, 2015.




Notary Public, State of Texas

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: 78303733
Filing Code Description: Application
Filing Description: Application for Probate of Will as a Muniment of Title with Will
Status as of 8/8/2023 2:56 PM CST

Associated Case Party: MaryLouiseSommerfield

Name	BarNumber	Email	TimestampSubmitted	Status
Patricia D. Ferguson		pferguson@bosquelaw.com	8/8/2023 11:17:37 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Libby Robertson		libby@bosquelaw.com	8/8/2023 11:17:37 AM	SENT