

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

ATTORNEY FILING
MICHAEL W MCDONALD
P.O. BOX 257
HILLSBORO, TX 76645

THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF **KRISTINA LEE ROCHELLE**, deceased, Docket No. **P08612** County Court at Law Bosque County, Texas, **TIMOTHY SCOTT ROCHELLE** filed in the County Court at Law of Bosque County, Texas, on the **20th day of October, 2023** an **APPLICATION FOR DECLARATION OF HEIRSHIP AND INDEPENDENT ADMINISTRATION**. 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 **6th day of November, 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 October, 2023**.



Tabatha Ferguson

TABATHA FERGUSON
Bosque County Clerk

Wendy Brown

Deputy

OFFICER'S RETURN ON CITATION

Came to hand on the 23 day of OCT, 2023, at
11:33 o'clock A M. and executed on the 23 day of OCT, 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 10/23, 2023, through 11/6,
2023, inclusive.


CONSTABLE
BOSQUE COUNTY, TEXAS

Printed name: Scott Ferguson

4. Decedent died intestate. Four (4) years have not elapsed between the death of Decedent and the date of filing of this Application. No administration has been had on Decedent's estate nor has anyone applied for an administration of Decedent's estate.

5. Decedent was married two times and two times only. Decedent's first marriage was to Wade Allen. That marriage ended in divorce. Decedent's second marriage was to Applicant on September 5, 1992. Decedent remained married to Applicant until the date of Decedent's death.

6. Decedent had three (3) children and three (3) children only born unto her. The first child born unto Decedent died as an infant. That child's father was Wade Allen. Decedent's second child was Ryan Wade Allen. His father was Wade Allen. Decedent's third and final child was Tyler Scott Rochelle and his father is the Applicant. Decedent had no other children, adopted no other children, and took no other children into Decedent's home as adopted.

7. Other than Applicant, Ryan Wade Allen, and Tyler Scott Rochelle, no other persons are claiming to be an heir of the Decedent to the knowledge of Applicant. There are no unknown heirs of Decedent.

8. The address of Ryan Wade Allen is 123 CR 1418, Morgan, TX 76671. The address of Tyler Scott Rochelle is 162 CR 1418, Morgan, TX 76671. All of the heirs of Decedent are over the age of 18 years.

9. The Decedent's estate consists of a community one-half interest in Lots Twenty-nine (29), Thirty (30) Sixty-nine (69) and Seventy (70) of the W.C. Pallmeyers' and E.L. Pallmeyers'

Steele Creek Harbor Subdivision, Bosque County, Texas and in miscellaneous personal property of a value in excess of \$100,000.

10. The names of all of Decedent's heirs, the relationship of each heir to Decedent and the interest of each heir in the estate of Decedent are as follows (collectively, the "Heirs"):

- (a) Timothy Scott Rochelle
162 CR 1418
Morgan, TX 76671
Relationship: Husband
Share of Total Estate: One-third (1/3) of separate personal property;
One-third (1/3) life estate in separate real property; and,
One-half (1/2) of community real and personal property.

- (b) Ryan Wade Allen
123 CR 1418
Morgan, TX 76671
Relationship: Son
Share of Total Estate: One-third (1/3) of separate personal property;
One-half (1/2) of separate real property subject to 1/3 life
Estate in favor of surviving spouse; and,
One-Fourth (1/4) of the community personal and real property.

- (c) Tyler Scott Rochelle
162 CR 1418
Morgan, TX 76671
Relationship: Son
Share of Total Estate: One-third (1/3) of separate personal property;
One-half (1/2) of separate real property subject to 1/3 life
Estate in favor of surviving spouse; and,
One-Fourth (1/4) of the community personal and real property.

11. All children who have been born to or adopted by Decedent have been listed.
Decedent was predeceased by a child who died in infancy.

12. The heirs of the Decedent have agreed to an independent administration of Decedent's estate; request that the Court waive the requirement that Applicant post a bond; and, request that the Independent Administrator be granted the power to sell property of the estate, all in accordance with §§401.003, 401.005 and 401.006 of the *Texas Estates Code*. The heirs of the Decedent other than Applicant shall execute and file with the Court a consent to this Application, a Waiver of Citation, and will enter their appearance prior to a hearing on this Application.

13. Applicant requests that he be appointed Independent Administrator of the estate of Decedent. Applicant is qualified and is not disqualified by law to accept such letters. There is a need for an administration on the estate of Decedent.

WHEREFORE PREMISES CONSIDERED, Applicant requests that citation be issued and served upon all persons interested in this estate as required by law and, that on final hearing in this cause, the Court enter an order that:

- (a) declares heirship pursuant to §202.201 of the *Texas Estates Code* declaring that the heirs listed in paragraph 10 above constitute all of the heirs of Decedent and all of the distributees of Decedent's estate;
- (b) appoints Applicant Independent Administrator of the estate of Decedent with power of sale;
- (c) waives the requirement that a bond be posted by Applicant;
- (d) orders that Letters of Independent Administration be issued to Applicant as Independent Administrator of the estate of Decedent;
- (e) orders that no action be had in this Court in relation to settlement of Decedent's estate other than the return of an inventory, appraisalment and list of claims of such estate or an affidavit in lieu of the inventory, appraisalment and list of claims; and,

- (f) awards Applicant such other and further relief to which Applicant may be justly entitled and that the Court may deem proper.

Respectfully submitted,

MARTIN, SHOWERS, SMITH
& McDONALD, L.L.P.
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Hillsboro, Texas 76645
Telephone (254) 582-2536
Facsimile (254) 582-9561
Email mmcdonald@mssm-law.com

BY: Michael W. McDonald

Michael W. McDonald
State Bar No. 13555510

ATTORNEYS FOR APPLICANT

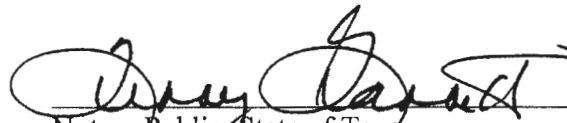
VERIFICATION/AFFIDAVIT

Applicant, Timothy Scott Rochelle, having been duly sworn, hereby states on oath that insofar as is known to me, all of the allegations of the foregoing Application for Declaration of Heirship and Independent Administration are true in substance and in fact and that no material fact or circumstance has, within Applicant's knowledge, been omitted from such Application.


Applicant

SWORN TO AND SUBSCRIBED by Timothy Scott Rochelle on this the 20th day of October, 2023.




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.

Susan Decker on behalf of Michael McDonald
Bar No. 13555510
sdecker@mssm-law.com
Envelope ID: 80818981
Filing Code Description: Application
Filing Description: Application for Declaration of Heirship and Independent Administration
Status as of 10/23/2023 8:17 AM CST

Associated Case Party: TimothyScottRochelle

Name	BarNumber	Email	TimestampSubmitted	Status
Michael W. McDonald		mmcdonald@mssm-law.com	10/20/2023 2:28:30 PM	SENT