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TABATHA FERGUSON
BOSQUE COUNTY CLERK
MERIDIAN, TEXAS

ATTORNEY FILING
MICHAEL A. DURAN
13355 NOEL RD. STE 1100 LB 20A
DALLAS, TX 75240

THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF **WILLIAM DEE CARLYLE**, deceased, Docket No. **P08644** County Court at Law Bosque County, Texas, **COLLEEN ELIZABETH CARLYLE PERCLE** filed in the County Court at Law of Bosque County, Texas, on the **26th day of February, 2024** an **APPLICATION FOR PROBATE OF WILL WHICH CANNOT BE PRODUCED IN COURT AND FOR LETTERS TESTAMENTARY PURSUANT TO SECTION 401.002(A) OF TEXAS ESTATES CODE**. 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 **11th day of March, 2024** 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 **27th day of February, 2024**.



Tabatha Ferguson


TABATHA FERGUSON
Bosque County Clerk

Windy Dixon

Deputy

OFFICER'S RETURN ON CITATION

Came to hand on the 27 day of Feb, 2024, at
11:43 o'clock A M. and executed on the 27 day of Feb, 2024
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 2/27, 2024, through 3/11,
2024, inclusive.



CONSTABLE
BOSQUE COUNTY, TEXAS

Printed name: Scott Ferguson

NO. P08644

ESTATE OF	§	COUNTY COURT AT LAW
	§	
WILLIAM DEE CARLYLE	§	OF
	§	
DECEASED	§	BOSQUE COUNTY, TEXAS

APPLICATION FOR PROBATE OF WILL
WHICH CANNOT BE PRODUCED IN COURT
AND FOR LETTERS TESTAMENTARY
PURSUANT TO SECTION 401.002(a) OF THE TEXAS ESTATES CODE

TO THE HONORABLE JUDGE OF SAID COURT:

Colleen Elizabeth Carlyle Percle (“Applicant”) furnishes the following information to the Court for the probate of the written Will of William Dee Carlyle which cannot be produced in Court, one and the same person as “William Carlyle” “Decedent”) and for the issuance of Letters Testamentary to the Applicant pursuant to Section 401.002(a) of the Texas Estates Code:

I. APPLICATION FOR PROBATE OF WILL

1. The Applicant’s name is Colleen Elizabeth Carlyle Percle. The Applicant’s domicile address is 5544 Catina St., New Orleans, Louisiana 70124. The Applicant herein is the Granddaughter of William Dee Carlyle and is an individual interested in this Estate. The last three digits of the Applicant’s social security number are: x702. The last three digits of the Applicant’s license number are: x839.

2. The Decedent’s name is William Dee Carlyle. On the date of the Decedent’s death, the Decedent was 79 years of age and the Decedent’s domicile was in Bosque County, Texas. The last three digits of the Decedent’s social security number are: x626. The last three digits of the Decedent’s license number are: x060.

3. The Decedent died on November 14, 2023 in Fort Worth, Tarrant County, Texas.

4. This Court has jurisdiction and venue because Decedent was domiciled in and had

a fixed place of residence in Bosque County, Texas on the date of death.

5. The Decedent owned personal property described generally as real property, insurance proceeds, furniture, personal effects and other miscellaneous property. The property has a probable value in excess of \$5,000.

6. The Decedent left a valid written Will dated July 15, 2011, which was never revoked. The Will is not self-proved, however, the Will was signed with the formalities and solemnities and under the circumstances required by law to make it a valid Will.

7. The subscribing witnesses to the Will are Emily Herda and Zina Hoisington.

8. No children were born to or adopted by the Decedent after the Decedent executed the Will.

9. No marriage of the Decedent was ever dissolved after the Will was made.

10. The Decedent's Will did not name the State of Texas, a governmental agency of the State of Texas or a charitable organization as a devisee.

11. The Decedent's Will named the Applicant to serve without bond or other security as Executor. The Applicant is a resident of the state of Louisiana. The Applicant has designated Michael A. Duran as her Resident Agent to receive service of process having an address of 13355 Noel Rd., Ste. 1100, LB 20A, Dallas, Texas, 75240.

12. The Applicant is over the age of 18 years, has never been convicted of a felony or crime of moral turpitude, and has never been adjudicated to be an incapacitated person. The Applicant is not disqualified by law from accepting Letters Testamentary and the Applicant would be entitled to such Letters.

II. WILL NOT PRODUCED IN COURT

13. The original Will cannot be produced in Court because it cannot be located.

The contents of the Will, as far as known, are shown in Exhibit "A". The Decedent moved at least twice after executing the Will. The Applicant believes the original will was lost in one of the moves. The Applicant has used reasonable diligence to produce the Will by going through the Decedent's papers, however, the Applicant is only able to produce a copy of the Will which is being filed with this Application as Exhibit "A" and incorporated by reference the same as if fully copied and set forth at length.

14. "The proponents must establish the cause of the will's nonproduction in court, so as to overcome the presumption of revocation that may arise from the will's not having been located. This test is satisfied if the evidence establishes that the will was not located after a diligent search." Johanson's Texas Probate Code Annotated, Commentary to Section 256.156. "It [is] not necessary for the proponent to also show how it was lost such as through the eating habits of a neighbor's goat, the occurrence of a Kansas tornado, the destruction of a flash flood, or the like." *Estate of Catlin*, 311 S.W.3d 697 (Tex. App.—Amarillo 2010, writ denied). In this case, the Applicant has made a diligent search for the Will but it cannot be located. There is no evidence, other than non-production, that the Will was revoked. Therefore, it can be safely concluded that the Will was simply lost.

III. REQUEST FOR INDEPENDENT ADMINISTRATION

15. The Will does not provide for independent administration as provided in Section 401.001(a).

16. The Applicant is the sole distributee in the Will.

17. All Distributees of the Decedent agree on the advisability of having an independent administration and agree that an independent administration is in the best interest of the Estate. All Distributees of the Decedent will collectively request in a *Distributee's Consent to Application*

for Independent Administration and Waiver of Notice that Colleen Elizabeth Carlyle Percle be appointed to serve as Independent Executor without bond with the power of sale as provided for in Section 401.006 of the Texas Estates Code and will request that no other action shall be had in the probate court in relation to the settlement of the Decedent's Estate other than the probating and recording of the Decedent's Will and the return of an inventory, appraisal, and list of claims of the Decedent's Estate.

IV. CITATION REQUIREMENTS FOR A COPY

18. The name, age, address, and relationship to the Decedent of the beneficiaries named in the Will are as follows:

- a. Name: Colleen Elizabeth Carlyle Percle
Age: Adult
Address: 5544 Catina St., New Orleans, Louisiana 70124
Relationship to the Decedent: Granddaughter

19. The Decedent's relevant marital and family history facts are as follows:

a. The Decedent's spouse, Rosie Carlyle predeceased the Decedent on September 25, 2022. After her death, the Decedent did not remarry, nor did he take any person into his home and hold that person out as his common-law spouse. All marriages of the Decedent have been listed.

b. The Decedent had two children, born to or adopted by him and they are Peggy Brown and Cynthia McCay. Peggy Brown predeceased the Decedent on February 25, 2023. Cynthia McCay predeceased the Decedent on January 7, 2003. The Decedent did not have any other children born to or adopted by him, nor did the Decedent take any children into his home and hold those children out as his informally adopted children. All children born to or adopted by the Decedent have been listed in this Application.

c. Peggy Brown had three children, born to or adopted by her and they are Colleen Elizabeth Carlyle Percle, Amanda Perez and a third child named "Danielle" that was given up for adoption at the time of birth. Danielle was born in approximately 1987 possibly in Jefferson Parish, Louisiana. That is all that is known about Danielle. Peggy Brown did not have any other children born to or adopted by her, nor did Peggy Brown take any children into her home and hold those children out as her informally adopted children. All children born to or adopted by Peggy Brown have been listed in this Application.

20. The name, age, marital status, address, and relationship to the Decedent of the persons who would inherit from the Decedent in the absence of a valid Will are as follows:

- a. Name: Colleen Elizabeth Carlyle Percle
Age: Adult
Address: 5544 Catina St., New Orleans, Louisiana 70124
Relationship to the Decedent: Granddaughter
- b. Name: Amanda Perez
Age: Adult
Address: 213 Garland Street, Bangor, Maine, 04401
Relationship to the Decedent: Granddaughter
- c. Name: Danielle – Last Name Unknown
Age: Unknown if alive; Born Approximately 1987
Address: Possibly Jefferson Parish, Louisiana
Relationship to the Decedent: Granddaughter

WHEREFORE, Applicant prays that citation issue as required by law to all persons interested in this Estate; that the copy of the Will be admitted to probate; that the Court find and order that an independent administration is in the best interests of the Estate; that Colleen Elizabeth Carlyle Percle be appointed to serve as Independent Executor without bond; that Letters Testamentary be issued to Colleen Elizabeth Carlyle Percle pursuant to Section 401.002(a) of the Texas Estates Code; that bond be waived; that no action be had in this Court in relation to the settlement of the Estate other than the probating and recording of the Will and the return of an Inventory, Appraisalment and List of Claims of such Estate; and that all other orders be entered as the Court may deem proper..

Respectfully Submitted,

/s/ Michael A. Duran

Michael A. Duran, 24038873

THE DURAN FIRM, PLLC

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Dallas, Texas 75240

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michael@duranfirm.com

ATTORNEY FOR APPLICANT

STATE OF LOUISIANA §
§
PARISH OF JEFFERSON §

I Colleen Elizabeth Carlyle Percle, Applicant herein, having been duly sworn, hereby state that insofar as is known to me, all the allegations of this *Application for Probate of Will which Cannot be Produced in Court and for Letters Testamentary Pursuant to Section 401.002(a) of the Texas Estates Code* are true in substance and in fact, and that no material fact or circumstance has, within my knowledge, been omitted from this Application.


Colleen Elizabeth Carlyle Percle, Applicant

Sworn to and subscribed before me on February 23rd, 2024, by Colleen Elizabeth Carlyle Percle.



Notary Public, State of Louisiana

