

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

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

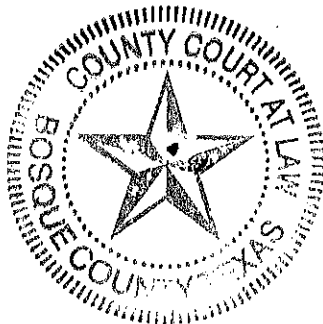
THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF DAVID RAY KIRBY, deceased, Docket No. **P08626** County Court at Law Bosque County, Texas, **SHELITA STRATTON** filed in the County Court at Law of Bosque County, Texas, on the **14th day of December, 2023** an **FIRST AMENDED APPLICATION FOR PROBATE OF WILL AS 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 **1st day of April, 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.

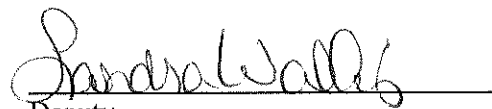
The officer executing this citation shall post the copy of the citation at the Courthouse Door of the county in which proceedings are pending, or at the place in or near said Courthouse where public notices customarily are posted, for not less than 10 days before the return day thereof, exclusive of 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 **18th day of March, 2024**.





TABATHA FERGUSON
Bosque County Clerk



Deputy

OFFICER'S RETURN ON CITATION

Came to hand on the 18 day of March, 2024, at
4:24 o'clock P M. and executed on the 18 day of March, 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 3/18, 2024, through 4/1,
2024, inclusive.


CONSTABLE
BOSQUE COUNTY, TEXAS

Printed name: Scott Ferguson

Sandra Wallis

No. P08626

ESTATE OF § IN THE COUNTY COURT
DAVID RAY KIRBY, § AT LAW OF
DECEASED § BOSQUE COUNTY, TEXAS

**FIRST AMENDED APPLICATION FOR PROBATE
OF WILL AS MUNIMENT OF TITLE**

To the Honorable Judge of the Court:

Shelita Stratton, *Applicant*, furnishes this *First Amended Application for Probate of Will As Muniment of Title* to update and correct the property description and attached Exhibit "A", and furnishes the following information to the Court for the probate of the Will of David Ray Kirby, *Decedent*, as a Muniment of Title:

1. Applicant is an individual interested in this Estate domiciled and residing at 4508 Meadowview Lane, Sachse, Collin County, Texas 75048. The last three digits of Applicant's Social Security number and Texas driver's license are 954 and 664, respectively.

2. Decedent died on March 20, 2023 at Baylor Scott and White Medical Center-Temple, Bell County, Texas 76508, at the age of 75 years. Decedent's domicile on the date of death was 108 PR 1306, Morgan, Bosque County, Texas 76671. The last three digits of Decedent's Social Security and Texas driver's license numbers are 053 and 259, respectively.

3. This Court has jurisdiction and venue because Decedent was domiciled in Texas and had a fixed place of residence in this County on the date of death.

4. Decedent owned real and personal property generally described as being all that certain lot, tract, or parcel of land being 0.996 acres out of the William Bowen, Jr. Survey,

Bosque County, Texas, and being more particularly described in the attached Exhibit "A", accounts in banks, vehicles, household goods and personal effects of a probable value of less than \$300,000.

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

6. Decedent left a valid Will dated March 15, 2023, 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. The subscribing witnesses to the Will were Amanda Chambers, who, at the time of the Will's execution resided near Fort Worth, Texas & Candice Curtain, who, at the time of the Will's execution resided near Sachse, Texas. The Will was not self-proved, but will have sworn testimony of two of the subscribing witnesses in open court.

8. Four years have not elapsed since Decedent's date of death.

9. Decedent was married six times.

A. Decedent's first marriage was to June Anne Mendenhall, which ended in divorce in about the year 1966 in Arlington, Texas. Of this marriage, only one child was born:

A.1. Kristina Rae Kirby, now an adult, who currently resides at 332 Vista Portola Loop, Liberty Hill, Williamson County, Texas 78642.

B. Decedent's second marriage was to Glenda Darlene Thompson, which ended in divorce in about the 1970s in Tarrant County, Texas. Of this marriage, only two children were born:

B.1. Melinda Robyn Warner, now an adult, who currently resides at 501 E. Main St., Henderson, Rusk County, Texas 75652; and

B.2. David Wayne Upchurch, now an adult, who currently resides at 614 Bean Ave, Kilgore, Rusk County, Texas 75662.

C. Decedent's third marriage is unknown to applicant but ended in divorce. No children were born of this marriage.

D. Decedent's fourth marriage is unknown to applicant but ended in divorce. No children were born of this marriage.

E. Decedent's fifth marriage is unknown to applicant but ended in divorce. No children were born of this marriage.

F. Decedent's sixth and final marriage was to Rita Marie Kirby, which ended in her death in the year 2017 in Bosque County, Texas.

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

10. Neither the State of Texas nor a governmental agency nor a charitable institution is a Will beneficiary. Applicant is the Will's sole beneficiary.

11. There are no debts owed by Decedent not secured by liens on real estate and there is no necessity for estate administration.

12. Applicant is Decedent's step-daughter, the Will's sole beneficiary and the Will's named Independent Executor.

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 as a muniment of title without administration, that the Court waive the requirement of filing an affidavit under *Texas Estates Code Section 257.103(c)*, and that the Court enter all other orders as it may deem proper.

Respectfully submitted,

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

Verification

STATE OF TEXAS
COUNTY OF Dallas

BEFORE ME, the undersigned authority, on this day personally appeared Shelita Stratton, *Applicant*, being first duly sworn, having read this Application, declares that the statements contained in it are within Applicant's personal knowledge, are true in substance and in fact, and that no material fact or circumstance has been omitted as far as is known to Applicant.

Shelita Stratton

SUBSCRIBED AND SWORN TO BEFORE ME on this the 14th day of MARCH, 2024, to certify which witness my hand and seal of office.

Notary Public, State of Texas