

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

ATTORNEY FILING  
JASON S. ENGLISH  
505 WEST 12<sup>TH</sup> STREET, STE. 201  
AUSTIN, TEXAS 78701

THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF **MARTIN HAYS**, deceased, Docket No. **P08635** County Court at Law Bosque County, Texas, **NORHANA HAYS** filed in the County Court at Law of Bosque County, Texas, on the **30<sup>TH</sup> DAY OF APRIL, 2024** an **APPLICATION FOR PROBATE OF WILL AND ISSUANCE OF LETTERS TESTAMENTARY PURSUANT TO TEXAS ESTATES CODE 401.001 WILL NOT PRODUCIBLE IN COURT**. 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 **13<sup>th</sup> day of May, 2024** at the County Court at Law Judicial Annex in **MERIDIAN, TEXAS**.

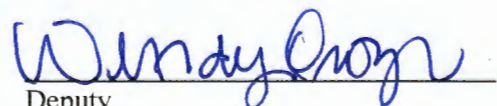
All persons interested in said estate are hereby cited to appear before said Honorable Court at said above mentioned time and place by filing a written answer contesting such application should they desire to do so.

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 **30<sup>th</sup> day of April, 2024**.



  
TABATHA FERGUSON  
Bosque County Clerk

  
Deputy

**OFFICER'S RETURN ON CITATION**

Came to hand on the 30 day of April, 2024, at  
12:07 o'clock P M. and executed on the 30 day of April, 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 4/30, 2024, through 5/13,  
2024, inclusive.

  
CONSTABLE  
BOSQUE COUNTY, TEXAS

Printed name: Scott Ferguson

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA.**

Wendy Orozco

**No. P08635**

**ESTATE OF** § **IN THE COUNTY COURT AT LAW**  
**MARTIN HAYS,** § **OF**  
**DECEASED** § **BOSQUE COUNTY, TEXAS**

**APPLICATION FOR PROBATE OF WILL AND FOR LETTERS TESTAMENTARY  
PURSUANT TO TEXAS ESTATES CODE 401.001  
WILL NOT PRODUCIBLE IN COURT**

**Applicant: Norhana Hays**

**Decedent: Martin Hays**

Applicant files this application for an order admitting to probate the copy of Will of Decedent, for the appointment of Marina Sue Hays as Independent Executor, and for issuance of letters testamentary, and shows the Court as follows:

*1. Domicile of Applicant*

Applicant, Norhana Hays, Surviving Spouse, is domiciled in Tarrant County, and may be served at 2826 CR 2850, Kopperl, Bosque County, Texas 76652. The last three digits of Norhana Hays's Social Security number are 326. The last three digits of Norhana Hays's Texas driver's license are 944.

*2. Domicile of Decedent and Age on Date of Death*

Decedent, Martin Hays, was domiciled at 2826 CR 2850, Kopperl, Bosque County, Texas 76652. On the date of death, Decedent was 61 years old.

### *3. Date and Place of Death*

Decedent died on November 14, 2023 in Cotabato City, Philippines while on vacation with his surviving spouse (the sole beneficiary under his will), continuing to have affection for her.

### *4. Decedent's Identifying Information*

The last three digits of Decedent's Social Security number are 264. The last three digits of Decedent's Texas driver's license are 435.

### *5. Jurisdiction and Venue*

This Court has jurisdiction over this matter and venue is proper because Decedent resided in this county and had a domicile or fixed place of residence in Texas.

### *6. Time Between Date of Death and Application*

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

### *7. Property*

Decedent owned real and personal property having an aggregate probable value of at least \$10,000.

### *8. Medicaid Benefits*

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

### *9. Details of Will*

Decedent executed a valid, written Will on October 31, 2018, which was never revoked, with the assistance of a lawyer at Ft. Hood, as he had served in the United State Army, and previously stationed at Fort Hood, TX. A copy of the Will which is filed with this application was made self-proved as provided by Section 251.104 of the Texas Estates Code.

The will also includes a NO CONTEST clause should beneficiary contest, obstruct, oppose or otherwise resist the probate of validity of the will or start or join in any proceeding

tending to avoid or set aside any provision of this will, such beneficiary thereby shall forfeit all bequest and rights conferred upon such beneficiary under the will and the will shall be give effect in all respects as if such beneficiary had processed him without issue.

*10. Subscribing Witnesses to the Will Facts*

The subscribing witnesses to the Decedent's Will are Dolores Marie Northrop and Jacob Erwin.

*11. Copy of Will*

A true and correct copy of the Will is attached.

Decedent's Will cannot be produced in Court because Original Will recently went missing from a lockbox inside of Decedent and Applicant's safe located at their home at 2826 CR 2850 in Bosque County, TX.

Decedent died while on vacation with his spouse, the sole beneficiary under the Will, provided that she survive him. Three weeks prior to the vacation, the Decedent had the Applicant make copies of their passports and her citizenship paperwork for their trip. Applicant opened the lockbox inside their safe and made copies of the documents for their trip, and also made a copy of the Decedent's original Will before putting the originals back in the lockbox, inside the safe. The Original Will was in possession of the Applicant about three weeks before the September 17, 2023 departure to the Philippines.

In order to bring the body of the Decedent back to the United States, the cargo or shipping company requested additional documentation. That necessary additional paperwork was kept inside the same lockbox, inside their safe.

Upon the death of the Decedent, the Applicant reached out to the mother of the Decedent and the Daughter, letting them know that Martin Hays had passed. A few days after the Decedent died, the Applicant reached out to the Decedent's mother and son unsuccessfully for help. Applicant then reached out to Decedent's daughter for help in obtaining paperwork needed on November 20, 2023. The Applicant provided to Decedent's daughter the necessary information, location of the house key, and combination to the safe to obtain the necessary documents required in the Philippines to bring back the Decedent's body to the United States.

APPLICATION FOR PROBATE OF WILL AND FOR LETTER TESTAMENTARY PURSUANT TO TEC  
401.001 WILL NOT PRODUCIBLE IN COURT  
ESTATE OF MARTIN HAYS, DECEASED, CAUSE NO. P08635

While receiving instructions on where to find the necessary documents, the Decedent's daughter asked "where is dad's will"; the Applicant advised it was in the lockbox inside the safe with the other important documents. The Applicant received the necessary documents in the Philippines and coordinated the return of the Decedent's body. The body arrived on December 1, 2023.

Upon return home to Bosque County, Texas on December 8, 2023, the Applicant checked the safe and noticed the Original Will of Martin Hays and a title for a Jeep was missing and possibly misplaced; she can no longer find the original Will in the safe or anywhere else on the property after an extensive search.

Applicant and Decedent's daughter again diligently searched for the original will in the home a week or so after the burial service for the Decedent, but were not able to find the original will. Applicant retrieved her copy of the original Will, and provided a copy of the original Will to Decedent's children.

## 12. Contents of Will

The contents of the Will are as follows:

**LAST WILL AND TESTAMENT**  
**OF**  
**MARTIN WAYNE HAYS**

Dated: October 31, 2018

Prepared by:

OSJA, III CORPS AND FORT HOOD  
Elizabeth Hays, 1LT, JA, SBOM #1712130233  
1001 761ST TANK BN AVE  
FORT HOOD, TX 76544  
254-287-7901

MILITARY TESTAMENTARY PREAMBLE: This is a MILITARY TESTAMENTARY INSTRUMENT prepared pursuant to Title 10 United States Code, Section 1044d, and executed by a person authorized to receive legal assistance from the military services. Federal law exempts this document from any requirement of form, formality, or recording that is prescribed for testamentary instruments under the laws of a state, the District of Columbia, or a territory, commonwealth or possession of the United States. Federal law specifies that this document shall be given the same legal effect as a testamentary instrument prepared and executed in accordance with the laws of the jurisdiction in which it is presented for probate. It shall remain valid unless and until the Testator revokes it.

## **LAST WILL AND TESTAMENT**

**OF**

**MARTIN WAYNE HAYS**

**I, MARTIN WAYNE HAYS**, a resident of the State of Texas, make, publish and declare this to be my Last Will and Testament, revoking all wills and codicils at any time heretofore made by me. I am retired from the military service of the United States.

**FIRST:** I direct that the expenses of my last illness and funeral, the expenses of the administration of my estate, and all estate, inheritance and similar taxes payable with respect to property included in my estate, whether or not passing under this will, and any interest or penalties thereon, shall be paid out of my residuary estate, without apportionment and with no right of reimbursement from any recipient of any such property (including reimbursement under Section 2207B of the Internal Revenue Code).

**SECOND:** I give all the rest, residue and remainder of my property and estate, both real and personal, of whatever kind and wherever located, that I own or to which I shall be in any manner entitled at the time of my death ( collectively referred to as my "residuary estate"), as follows:

- (a) If my wife NORHANA KAUL HAYS survives me, to my wife outright.
- (b) If my wife does not survive me, then to those of my children NICHOLAS WAYNE HAYS and LAUREN R. HAYS who survive me and to the issue who survive me of those of my children who shall not survive me, per stirpes.
- (c) If my wife does not survive me and there shall be no issue of mine then living, I give my residuary estate to those who would take from me as if I were then to die without a will, unmarried and the absolute owner of my residuary estate, and a resident of the State of Texas.



**THIRD:** If any property of my estate vests in absolute ownership in a minor or incompetent, my Executor, at any time and without court authorization, may: distribute the whole or any part of such property to the beneficiary; or use the whole or any part for the health, education, maintenance and support of the beneficiary; or distribute the whole or any part to a guardian, committee or other legal representative of the beneficiary, or to a custodian for the beneficiary under any gifts to minors or transfers to minors act, or to the person or persons with whom the beneficiary resides. Evidence of any such distribution or the receipt therefor executed by the person to whom the distribution is made shall be a full discharge of my Executor from any liability with respect thereto, even though my Executor may be such person. If such beneficiary is a minor, my Executor may defer the distribution of the whole or any part of such property until the beneficiary attains the age of twenty-one (21) years, and may hold the same as a separate fund for the beneficiary with all of the powers described in Article SIXTH hereof. If the beneficiary dies before attaining said age, any balance shall be paid and distributed to the estate of the beneficiary.

**FOURTH:** I appoint my mother MARINA SUE HAYS to be my Independent Executor. No action shall be had in the court having probate jurisdiction in relation to the settlement of my estate other than the probating and recording of this will and the return of any required inventory, appraisal and list of claims of my estate. I direct that no Executor shall be required to file or furnish any bond, surety or other security in any jurisdiction. I request that my Executor waive all commissions or fees to which my Executor may be entitled for the administration of my estate.

**FIFTH:** I grant to my Executor all powers conferred on executors under the Texas Estates Code, as amended, or any successor thereto, and all powers conferred upon executors wherever my Executor may act. I also grant to my Executor power to retain, sell at public or private sale, exchange, grant options on, invest and reinvest, and otherwise deal with any kind of property, real or personal, for cash or on credit; to borrow money and encumber or pledge any property to secure loans; to pay any legacy or distribute, divide or partition property in cash or in kind, or partly in kind, and to allocate different kinds of property, disproportionate amounts of property and undivided interests in property among any parts, funds or shares; to determine the fair valuation of property, with or without regard to tax basis; to exercise all powers of an absolute owner of property; to compromise and release claims with or without consideration; and to employ attorneys, accountants and other persons for services or advice.

Reference is made to my digital assets, an inventory of which, including a list of relevant user names and passwords, I intend to maintain. Such inventory shall be kept in a secure location and shall be made available to my Executor upon my death. Upon my death my Executor shall have all of the rights, powers and privileges that I have with respect to my digital assets including all rights, powers and privileges that may be conferred a fiduciary under the Uniform Fiduciary Access to Digital Rights Act. This includes the right to access, modify, delete, control and transfer my digital assets; to access, use and control my computers, tablets, phones, peripherals, storage media and similar devices for purposes of accessing, modifying, deleting, controlling or transferring my digital assets; and to obtain, access, modify, delete and control my passwords and other electronic credentials associated with my digital assets. My digital assets include, without limitation, emails and email accounts, digital music, photographs and videos,

software licenses, social network accounts, web hosting accounts, domain registrations, financial accounts, bank accounts, tax preparation services accounts, online stores, other online accounts, and similar digital items which now exist or may exist as technology develops. This authority is intended to constitute "lawful consent" to a service provider to divulge the contents of any communication under the Stored Communications Act (18 U.S.C. Sec. 2701 et seq. or any successor thereto), to the extent such lawful consent is required, and my Executor acting hereunder shall be an authorized user of my digital assets and devices for purposes of all laws applicable to digital assets or devices, computer fraud or unauthorized computer access.

The term "Executor" wherever used herein shall mean the executors, executor, executrix or administrator in office from time to time.

**SIXTH:** I direct that for purposes of this will a beneficiary shall be deemed to predecease me unless such beneficiary survives me by more than thirty days.

**SEVENTH:** No disposition, charge or encumbrance on any income or principal of my estate by any beneficiary thereof shall be valid or binding upon my Executor. No beneficiary shall have the right to assign, sell, pledge, encumber, anticipate, dispose of, or otherwise transfer in any manner (voluntary or involuntary) any such income or principal until the same shall be paid to such beneficiary by my Executor. No such income or principal shall be subject in any manner to any claim of any voluntary or involuntary creditor of any beneficiary or liable to attachment, garnishment, execution or other legal or equitable process prior to its actual receipt by the beneficiary.

**EIGHTH:** If any beneficiary under this will shall contest, obstruct, oppose or otherwise resist the probate of or validity of this will or any trust at any time created by me, or shall start or join in any proceeding tending to avoid or set aside any provision of this will or any trust, such beneficiary thereby shall forfeit all bequests and rights conferred upon such beneficiary under this will and any trust, and this will and any trust shall be given effect in all respects as if such beneficiary had predeceased me without issue.

**NINTH:** I have served in the Armed Forces of the United States. I therefore request that my Executor make appropriate inquiries to ascertain whether there are any benefits to which I, my dependents or my heirs may be entitled by virtue of any military affiliation. I specifically request that my Executor consult with a retired affairs officer at the nearest military installation, the Department of Veterans Affairs, and the Social Security Administration.

**IN WITNESS WHEREOF,** I, MARTIN WAYNE HAYS, sign my name and publish and declare this instrument as my last will and testament this 31st day of October, 2018.

*(Copy attached has all signatures and names/addresses)*

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MARTIN WAYNE HAYS

The foregoing instrument was signed, published and declared by MARTIN WAYNE HAYS, the above-named Testator, to be his last will and testament in our presence, all being present at the same time, and we, at his request and in his presence and in the presence of each other, have subscribed our names as witnesses on the date above written.

*(Copy attached has all signatures and names/addresses)*

\_\_\_\_\_  
Print:

having an address at

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Print:

having an address at

\_\_\_\_\_  
\_\_\_\_\_

**MILITARY TESTAMENTARY INSTRUMENT SELF-PROVING AFFIDAVIT**

STATE OF TEXAS, COUNTY OF BELL

We, the Testator and the witnesses, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that in the presence of the military legal counsel and the witnesses the Testator, MARTIN WAYNE HAYS, signed and executed the instrument as his military testamentary instrument, that he had signed willingly, and that he executed it as his free and voluntary act and deed for the purposes therein expressed. It is further declared that each of the witnesses, at the request of the Testator, in the presence and hearing of the Testator, the military legal assistance counsel and each other, signed the military testamentary instrument as witness, and that to the best of his or her knowledge the Testator was at the time at least eighteen years of age or emancipated, of sound mind, and under no constraint, duress, fraud or undue influence, and that each of said witnesses was then at least fourteen years of age.

*(Copy attached has all signatures and names/addresses)*

\_\_\_\_\_  
MARTIN WAYNE HAYS

Testator

\_\_\_\_\_  
print:

Witness

\_\_\_\_\_  
print:

Witness

Subscribed, sworn to and acknowledged before me by the said MARTIN WAYNE HAYS, Testator, and by the above-named witnesses, this 31st day of October, 2018.

\_\_\_\_\_  
Notary Public

My commission expires on

13. *Devisees*

The Devisee under the Will of Decedent is as follows:

| Name         | Relationship     | Status | Address   |
|--------------|------------------|--------|---|
| Norhana Hays | Surviving Spouse | Adult  | 2826 CR 2850, Kopperl, Bosque County, Texas 76652 |

14. *Heirs and Possible Heirs*

The heirs who would inherit in the absence of a valid Will are as follows:

| Name          | Relationship     | Status   | Address   |
|---------------|------------------|----------|---|
| Norhana Hays  | Surviving Spouse | an adult | 2826 CR 2850, Kopperl, Bosque County, Texas 76652 |
| Nicholas Hays | Child            | an adult | 13140 Overlook Point Dr. Fort Worth, Texas 76177  |
| Lauren Travis | Child            | an adult | 7443 FM 2146 Jourdanton, Texas 78026              |

15. *Executor Facts*

Decedent's Will names Marina Sue Hays, whose address is 1301 Airport Fwy., Apt 318, Bedford, Tarrant County, Texas 76021 to serve as independent executor without bond.

16. *Qualification for Letters Testamentary*

Marina Sue Hays has not been convicted of a felony and is not disqualified by law from accepting letters testamentary.

17. *After-Born Children*

No children were born to or adopted by Decedent after execution of the Will.

18. *Divorce After Execution of Will*

No marriage of Decedent was ever dissolved after the Will was executed by Decedent.

19. *Government Agency or Charity Named as Devisee*


Decedent's Will does not name the State of Texas, an agency of the state, or a charitable organization as a devisee.

*20. Required Information*

Pursuant to Section 256.052(b) of the Texas Estates Code, no information required for this application has been omitted.

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, that Marina Sue Hays be appointed as Independent Executor and receive letters testamentary, and that no action be had in this court in relation to the settlement of such estate other than the probating and recording of such Will and the filing of an inventory, appraisalment, and list of claims of such estate, or an affidavit in lieu of the inventory, and that this Court enter all other orders it deems proper.

Respectfully submitted,

  
Norhana Hays (Apr 29, 2024 16:24 CDT)

Norhana Hays, Applicant

Jason S. English Law PLLC  
505 West 12th Street, Suite 201  
Austin, TX 78701

/s/ Jason English  
Jason English  
Attorney for Norhana Hays  
Bar no: 24032155  
Office Phone: (512) 454-7548  
Fax: (737) 530-7372  
Email: Jason@JasonEnglish.net

**Certificate of Service**

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on April 29, 2024:

Brent Kiel by electronic filing manager at [efile@cainlaweyrs.com](mailto:efile@cainlaweyrs.com)

/s/ Jason English  
Jason English  
Attorney for Norhana Hays

### 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.

Alec Dziak on behalf of Jason Speer English

Bar No. 24032155

Alec@jasonenglish.net

Envelope ID: 87201771

Filing Code Description: Counter Claim/Cross

Action/Interpleader/Intervention/Third Party/Contest

Filing Description: Application for Probate of Will and for Letters

Testamentary

Status as of 4/30/2024 10:42 AM CST

Associated Case Party: NicholasHays

| Name       | BarNumber | Email                 | TimestampSubmitted    | Status |
|------------|-----------|-----------------------|-----------------------|--------|
| Brent Kiel | 24097064  | brent@cainlawyers.com | 4/30/2024 10:16:21 AM | SENT   |

Associated Case Party: MartinHays

| Name          | BarNumber | Email               | TimestampSubmitted    | Status |
|---------------|-----------|---------------------|-----------------------|--------|
| Monica Button | 24119479  | keplaw_mb@yahoo.com | 4/30/2024 10:16:21 AM | SENT   |