

No. 10351-YP

IN THE ESTATE OF  
ALBERT HAARON COBB, SR.,  
DECEASED

§ IN COUNTY COURT AT LAW  
§ NO. ONE  
§ HAYS COUNTY, TEXAS

FILED  
HAYS COUNTY TEXAS  
MAY 04 2006  
CLOCK  
COUNTY CLERK

**APPLICATION TO PROBATE WILL AND  
FOR ISSUANCE OF LETTERS TESTAMENTARY**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Albert Haaron Cobb, Jr. ("Applicant"), furnishes the following information to the Court in support of this Application for the probate of the written Will of Albert Haaron Cobb, Sr. ("Decedent"), and for issuance of Letters Testamentary:

1. Applicant, Albert Haaron Cobb, Jr., is an individual interested in this Estate, being domiciled in and residing at 2501 Arroyo Doble, San Marcos, Hays County, Texas 78666.

2. Decedent died on August 18, 2005, at San Marcos, Hays County, Texas, at the age of 90. Decedent's domicile at the time of his death was San Marcos, Hays County, Texas.

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

4. Decedent owned property described generally as cash, personal effects and household goods of a probable value in excess of \$10,000.

5. Decedent left a valid written Will dated September 23, 1995, which was never revoked and is filed herewith.

6. A necessity exists for the administration of the Estate.

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

8. Decedent was never divorced.

witnesses to the Will and their present addresses are Oleta Hibbs, whose address is 1808 Laurel Lane, Plano, Texas, and Sue Barton, whose address is 125 Edgemont Drive, San Marcos, Texas.

WHEREFORE, Applicant prays that citation issue as required by law to all persons interested in this Estate; that the Will be admitted to probate; that Letters Testamentary be issued to Albert Haaron Cobb, Jr.; and that all other Orders be entered as the Court may deem proper.

Respectfully submitted,



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Paul Skeith  
Attorney for Applicant  
State Bar No.: 24008045  
Kerry Ugarte  
State Bar No.: 24050073 (Associate Member)  
Hilgers Bell & Richards, L.L.P.  
816 Congress Avenue, Suite 1200  
Austin, Texas 78701  
Telephone: (512) 476-0005  
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10351-P

LAST WILL AND TESTAMENT OF  
ALBERT HAARON COBB, SR.

FILED  
HAYS COUNTY, TEXAS  
MAY 04 2005  
o'clock  
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COUNTY CLERK

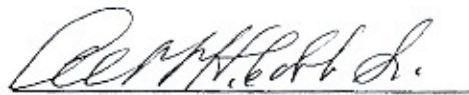
STATE OF TEXAS §  
§ KNOW BY ALL MEN THESE PRESENTS  
COUNTY OF HAYS §

THAT I, Albert Haaron Cobb, Sr., being of sound mind, memory and understanding, for the purpose of making an orderly disposition of my worldly possessions, hereby make and publish this, my Last Will and Testament, hereby revoking all Wills and Codicils by me heretofore made.

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- I. Introductions and Appointments
- II. Payment of Debts and Taxes
- III. Disposition of Residual Estate
- IV. Pre- or Concurrent Death of my Spouse and Creation of a Beneficial Trust for my Son
- V. Powers of my Fiduciaries

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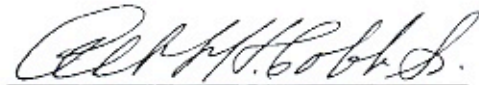
Albert Haaron Cobb, Sr.

**I. INTRODUCTIONS AND APPOINTMENTS**

I, Albert Haaron Cobb, Sr., the testator, am at the time of execution of this Will, a resident of Hays County, Texas; my Date of Birth is January 21, 1915, and my Social Security Number is 459-12-6984.

My spouse is Virginia Ruth (nee Fowler) Cobb, whose Date of Birth is November 11, 1918 and whose Social Security Number is 451-20-0927; she is the only person I have ever married and we are the natural parents of the only Child I have ever fathered. She is a resident of San Marcos, Texas where we share our only domicile. **I appoint Virginia Ruth (nee Fowler) Cobb my Independent Executor**, to serve without bond in the Probate of my estate as directed in this Will and I further direct her to settle any and all disputes arising herefrom without resort to legal action in the Court in which this Will is probated.

Albert Haaron Cobb, Jr. is my Son, my only issue, whose Date of Birth is January 1, 1946 and whose Social Security Number is 459-72-6425. At the time of execution of this Will, he is a resident of Hays County, Texas. Should my Spouse, Virginia Ruth (nee Fowler) Cobb, predecease me or be unwilling or unable to act as my Executor, **I appoint my Son, Albert Haaron Cobb, Jr., to be my Executor in her place**, to serve without bond and to carry out all directives as otherwise given to Virginia Ruth (nee Fowler) Cobb.



Albert Haaron Cobb, Sr.

Virginia Ruth (nee Fowler) Cobb, a resident of Hays County, Texas, has agreed to and is hereby appointed to serve as Independent Trustee of the Trust created hereby to the beneficial interest of my Son. I direct that my Trustee serve without bond.

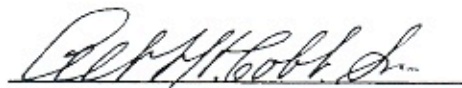
## II. PAYMENT OF DEBTS AND TAXES

I direct that all of my just debts and any taxes which may be imposed as a result of my death be paid by my Executor or substitute Executor as soon as practicable after my death.

## III. DISPOSITION OF RESIDUAL ESTATE

I give, devise and bequeath to my spouse, Virginia Ruth (nee Fowler) Cobb, all the rest and remainder of my property, whether real, personal or mixed, separate or community, of whatsoever kind and description, wherever located, of which I shall die seized, possessed, or in which I have an interest.

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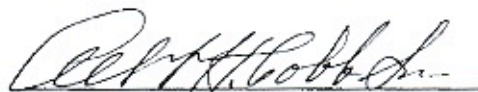
Albert Haaron Cobb, Sr.

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**IV. PRE- OR CONCURRENT DECEASE OF MY SPOUSE AND  
CREATION OF A BENEFICIAL TRUST FOR MY CHILD**

Should my Spouse, Virginia Ruth (nee Fowler) Cobb, predecease me, or should we both die under circumstances where the order of our deaths cannot be determined, or should my Spouse die within thirty (30) days after my death, I give, devise, and bequeath all of my property, except for my household and personal effects, as further described in Section III., above, to Virginia Ruth (nee Fowler) Cobb, in Trust for the beneficial use of my Son, Albert Haaron Cobb, Jr., to be administered according to the following directions:

- A. My Trustee shall gather all of my property, including any inter vivos trust(s) I may have created during my lifetime by merging the same into this Testamentary Trust, to take, hold and manage for the support and maintenance of, and distribution to, my said Son.
- B. At her sole discretion, my Trustee may liquidate all, or any part of, my property for the purpose of insuring that my Son has an adequate dwelling place for his needs and manage or invest the remainder of the corpus of the Trust in a prudent manner to produce income to be paid over to my Son at reasonable frequencies and amounts to sustain the daily needs of my Son.

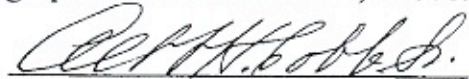


Albert Haaron Cobb, Sr.

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I expressly authorize my Trustee to use the corpus of the Trust to augment any shortfall of income needed by my Son, or conversely, to withhold any part of the income not required by my Son for his daily financial well-being as he may determine.

- C. This Trust shall terminate in event of either or both of the following occurrences:
1. The death of my Son, Albert Haaron Cobb, Jr.; in which event my Trustee shall wind up the Trust and pay over all remaining funds as directed in Section IV. F, below.
  2. The value of the corpus depletes to less than twenty-five (\$25,000) thousand dollars; in which case my Trustee is directed to wind up the Trust and pay over the remaining funds, allowing for any tax consequences therefor, to my Son, Albert Haaron Cobb, Jr.
- D. My Trustee shall be compensated for his/her time and for expenses incurred in carrying out the provisions of this Trust. Said compensation shall be paid out of the Trust funds.
- E. My household and personal effects I give and bequeath to my Son, Albert Haaron Cobb, Jr., free and clear of the Trust, should my Spouse die under any of the circumstances described in the first paragraph of this section IV., above.



Albert Haaron Cobb, Sr.

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Should both my spouse and my Son predecease me, or should we all die simultaneously, my household and personal effects shall be distributed by my Grandson, Shannon (aka Shane) Bert Cobb, who lives at the time of execution of this Will, in Amarillo, Texas, in accordance with directions to be found in my bank safe deposit box.

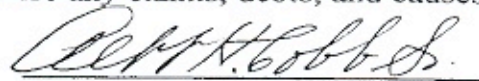
F. Should both my spouse and my Son predecease me, or should we all die simultaneously, I appoint Shannon (aka Shane) Bert Cobb, of Amarillo, Texas as **Executor**, to serve without bond and to liquidate and distribute the residue of my estate, except for personal and household effects, in which disposition I direct him to assist Jon Chevis Cobb to distribute said effects in such manner as I then specify, as stated in Section IV. E, above, as follows:

1. 50% to Shannon (aka Shane) Bert Cobb.
2. 50% to Jon Chevis Cobb.

#### V. POWERS OF MY FIDUCIARIES

I give to each of the estate and trust fiduciaries appointed herein, full power, in addition to that accorded by the laws of the State of Texas, and expressly give said fiduciaries absolute authority to exercise discretion to compromise any claims, debts, and causes

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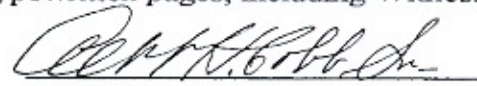
Albert Haaron Cobb, Sr.



of action, either for or against me; to retain all or part of my estate or any Trust created or merged hereby in the form it was received by said fiduciary for so long as said fiduciaries deem advisable; to make expenditures to maintain property; to invest the funds of my estate or any Trust created and/or resulting from merger by the terms of this Will in securities or such property, real or personal, as said fiduciaries deem advisable, not being limited by the restrictions imposed by law on the classes of securities for the investment of such funds; to sell, mortgage, lease, or otherwise dispose or convey any real or personal property; to continue any business in which I was engaged at the time of my death, whether or not incorporated; to renew or modify existing contracts or agreements; to hold securities or other assets in the name of a nominee; to determine what is principal and what is income; to employ agents, brokers, attorneys or others; to determine by use; to borrow money for any purpose in connection with the administration of my estate or any trust or merged trust created hereby; to take any action or refrain from taking such action with respect to any securities or other properties as such fiduciaries deem advisable; to make distribution of my estate wholly or partly and for that purpose to determine values; and to exercise all other powers and authority which may be necessary or convenient to the administration of my estate or any trust or merged trust created hereby. I direct that none of my fiduciaries appointed herein be liable for any loss resulting from the exercise in good faith of any of the powers hereby conferred.

IN WITNESS WHEREOF, I SIGN, PUBLISH AND DECLARE THIS, MY LAST WILL AND TESTAMENT, consisting of ten (10) typewritten pages, including Witness

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Albert Haaron Cobb, Sr.

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and Notary signatures, for purpose of verification. Moreover, I have signed my name at the bottom of each page, in the presence of witnesses and Notary, each of whom is over fourteen (14) years of age, at the TESTATOR line to validate all of the same this 23rd day of September, 1995 at San Marcos, Texas.



Albert Haaron Cobb, Sr.

We are witnesses to the foregoing Will, published and declared by Albert Haaron Cobb, Sr., who, in our presence, signed and subscribed same. Therefore, we, in his presence and at his request, and in the presence of each other, do hereby sign and subscribe our names and current addresses hereto in our own handwriting as attesting witnesses:



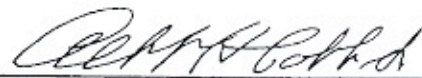
WITNESS



WITNESS

Oleta Hibbs, 1808 Laurel Lane  
Plano, TX

Sue Barton, 125 Edgemont Dr.  
San Marcos, TX



Albert Haaron Cobb, Sr.



*This Instrument was Prepared By:  
W. Bailey Barton, Attorney at Law  
300 C. M. Allen Parkway, Suite C-2  
San Marcos, Texas 78666*

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Albert Haaron Cobb, Sr.

No. 10,351-P

IN THE ESTATE OF

ALBERT HAARON COBB, SR.,

DECEASED

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IN COUNTY COURT AT LAW

NO. ONE

HAYS COUNTY, TEXAS

**ORDER PROBATING WILL AND  
AUTHORIZING LETTERS TESTAMENTARY**

On this day came on to be heard the Application filed herein by Albert Haaron Cobb, Jr. on May 4, 2006, for the probate of the Will of Albert Haaron Cobb, Sr., hereinafter called Decedent, and for the issuance of Letters Testamentary.

The Court, after having heard and considered the evidence, finds that legal notices of the filing of said Application have been issued and posted in the manner and for the length of time required by law, and no one came to contest same; and it further appearing that said Will was executed on September 23, 1995 with the formalities and solemnities and under the circumstances required by law to make it a valid Will, was self-proved according to law during the lifetime of said Decedent; that such Will has not been revoked by Decedent; that Decedent died at San Marcos, Hays County, Texas on August 18, 2005; that this Court has jurisdiction and venue over the estate because Decedent was domiciled in Texas and had a fixed place of residence in Hays County, Texas at the time of his death; that four years have not elapsed since the death of Decedent or prior to the said Application; that a necessity exists for the administration of this estate; that no state, governmental agency of the state, nor charitable organization is named by the Will as a devisee; that Decedent's Will named Albert Haaron Cobb, Jr. to serve as Independent Executor to act independently without bond or other security, and the said Albert Haaron Cobb, Jr. is not disqualified by law from serving as such or from accepting Letters Testamentary, and would be entitled to such letters.


**IT IS THEREFORE ORDERED AND DECREED** by the Court that said Will is hereby proved and established and admitted to probate and recorded as the **LAST WILL AND TESTAMENT** of said Albert Haaron Cobb, Sr., Deceased, and that Albert Haaron Cobb, Jr. be, and is hereby appointed Independent Executor of said Will and Estate without bond.

**IT IS FURTHER ORDERED** by the Court that Letters Testamentary upon the Will and Estate of Albert Haaron Cobb, Sr., Deceased, be and the same are hereby granted, that the Clerk shall issue said Letters Testamentary to Albert Haaron Cobb, Jr., as Independent Executor, when qualified according to law, and that no other action shall be had in this Court other than the return of an Inventory, Appraisement and List of Claims as required by law. No interested person has filed an application for the appointment of appraisers, and appointment of appraisers by the Court is waived.

SIGNED this 27 day of September, 2006.

  
JUDGE PRESIDING

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Paul Skeith  
Attorney for Albert Haaron Cobb, Jr.  
State Bar No.: 24008045  
Kerry Ugarte  
State Bar No.: 24050073 (Associate Member)  
Hilgers Bell & Richards, L.L.P.  
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IN COUNTY COURT AT LAW

NO. ONE

HAYS COUNTY, TEXAS

FILED  
HAYS COUNTY, TEXAS  
at

JAN 22 2007

*[Signature]*  
COUNTY CLERK

INVENTORY, APPRAISEMENT AND LIST OF CLAIMS

Date of Death: August 18, 2005

The following is a full, true, and complete Inventory and Appraisement of all real property situated in the State of Texas and of all personal property wherever situated, together with a List of Claims due and owing to this Estate as of the date of death, which have come to the possession or knowledge of the undersigned.

INVENTORY AND APPRAISEMENT

COMMUNITY PROPERTY

VALUE

1. HOUSEHOLD FURNISHINGS:

Total value: \$500  
Less surviving spouse share: \$<250.00> \$250.00

2. MISCELLANEOUS:

Coins in safe deposit box  
Total value of asset: \$70  
Less surviving spouse share: \$<35.00> \$35.00

TOTAL COMMUNITY PROPERTY \$285.00

LIST OF CLAIMS OWED TO ESTATE

No claims are due and owing to the Estate of Albert Haaron Cobb, Sr., Deceased.

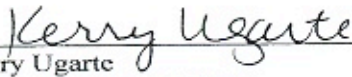
TOTAL VALUE OF ESTATE

The total value of the Estate of Albert Haaron Cobb, Sr., Deceased is \$285.00.

The Independent Executor asks the Court that foregoing Inventory, Appraisement and List of Claims be approved and entered of record.



Albert Haaron Cobb, Jr.  
Independent Executor of the Estate of Albert Haaron  
Cobb, Sr., Deceased



Kerry Ugarte  
State Bar No.: 24050073  
Paul Skeith  
State Bar No.: 24008045  
Attorneys for Albert Haaron Cobb, Jr.  
816 Congress Avenue, Suite 1200  
Austin, Texas 78701  
Telephone: (512) 476-0005  
Facsimile: (512) 476-1513



STATE OF TEXAS

§

COUNTY OF HAYS

§

I, Albert Haaron Cobb, Jr., having been duly sworn, hereby state on oath that the said Inventory and List of Claims are a true and complete statement of property and claims of the estate that have come to my knowledge.



Albert Haaron Cobb, Jr.  
Independent Executor of the Estate of Albert Haaron  
Cobb, Sr., Deceased

**SWORN TO AND SUBSCRIBED BEFORE ME** on this the 9<sup>th</sup> day of January, 2007 by Albert Haaron Cobb, Jr., to certify which witness my hand and seal of office.

  
Notary Public, State of Texas

Contents of the safety deposit box of Al Cobb

7 Jefferson nickels @ .05 per =	.35
10 Mexican 10 Peso coins @ .01 per=	1.00
7 Quarters @ .25 per=	1.75
10 Silver dollars @ 1.00 per=	10.00
31 Susan B. Anthony dollars @ 1.00 per=	31.00
45 Dimes @ .10 per=	4.50
47 pennies @ .01 per=	.47
21 Eisenhower dollar coins @ 1.00 per=	<u>21.00</u>
<u>Total</u>	<u>\$ 70.07</u>

No. 10351-P

IN THE ESTATE OF

ALBERT HAARON COBB, SR.,

DECEASED

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IN COUNTY COURT AT LAW

NO. ONE

HAYS COUNTY, TEXAS

**ORDER APPROVING INVENTORY, APPRAISEMENT & LIST OF CLAIMS**

The foregoing Inventory, Appraisement and List of Claims of the above estate having been filed and presented; there having been no objections made thereto; and the Court having considered and examined the same, is satisfied that it should be approved.

**IT IS THEREFORE ORDERED** that the foregoing Inventory, Appraisement and List of Claims is in all respects approved and **ORDERED** entered of record.

SIGNED on the 23 day of January 2007.

  
JUDGE PRESIDING

**APPROVED AS TO FORM:**

  
Kerry Ugarte  
State Bar No.: 24050073  
Paul Skeith  
State Bar No.: 24008045  
Attorneys for Albert Haaron Cobb, Jr.  
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