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FILED  
HAYS COUNTY, TEXAS  
at 10:00 o'clock 2 M.

NOV 25 1997

NO. 8336

*Francis L. Villalpando*  
COUNTY CLERK

ESTATE OF	\$	IN THE PROBATE COURT
DELMA LOUISE BRADSHAW,	\$	NO. 1
DECEASED	\$	HAYS COUNTY, TEXAS

APPLICATION FOR PROBATE OF WILL AS  
A MUNIMENT OF TITLE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, RAYMOND O. WHISENANT, JR., ("Applicant") and files this his Application to probate the written Will and First Codicil to the Last Will and Testament of DELMA LOUISE BRADSHAW, Deceased (the "Decedent") as a Muniment of Title pursuant to Section 89 of the Texas Probate Code, as amended, and in support thereof shows the Court as follows:

1. The Applicant is an individual interested in this Estate and is the grandson of the Decedent and is domiciled and resides at 206 Gatlin Creek Road, Dripping Springs, Hays County, Texas 78620.

2. That Decedent died on May 29, 1997, in Travis County, Texas, at the age of 89 years. At the time of her death, Decedent was domiciled and resided at 205 Old Highway 290, Dripping Springs, Hays County, Texas.

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

4. Decedent owned separate property generally described as real property and personal effects of a probable value in excess of \$50,000.00, including a house and lot in Hays County, Texas, more

particularly described as Lot No. Sixteen (16), of the R.J. Ragland Subdivision, a part of the P.A. Smith League in Hays County, Texas, according to the map or plat and deed of dedication of said Subdivision recorded in Volume 194 at Page 348 etseq of the Deed Records of Hays County, Texas.

5. Decedent left a valid written Will (the "Will"), dated October 1, 1976 and First Codicil to the Last Will and Testament dated September 18, 1991, which were never revoked and are filed herewith.

6. The subscribing witnesses to the Will were Lana K. Cooper, Peggy Lewis and Fay C. New and the subscribing witnesses to the First Codicil to the Last Will and Testament were David Jones and Pamela J. Cummins whose current addresses are unknown to Applicant. The Will and the First Codicil to the Last Will and Testament were made self-proved in the manner prescribed by law.

7. No child or children were born to or adopted by Decedent after the date of the Will.

8. Decedent was a widow at the time of her death and was never divorced.

9. That Decedent's First Codicil to the Last Will and Testament named the Applicant to serve as Independent Executor of her Estate, but there are no debts owed by the Decedent which are not secured by liens upon real estate and there is no necessity for any administration of the Estate.

10. That there is no necessity for the filing with this Court of a sworn affidavit by Applicant on or before the 181st day after the date such Will and First Codicil to the Last Will and Testament are admitted to probate, and the filing of said sworn affidavit

should be waived by this Court as provided for in Section 89 of the Texas Probate Code, as amended.

WHEREFORE, Applicant pray that citation issue to all persons interested in this Estate as required by law; that the Will and First Codicil to the Last Will and Testament be admitted to probate as a Muniment of Title and without any administration thereon; that the Court waive any requirement that Applicant file the sworn affidavit provided for in Section 89 of the Texas Probate Code on or before the 81st day after the Will and First Codicil to the Last Will and Testament are admitted to probate as a Muniment of Title in this cause; and that such other orders be entered as the Court may be proper.

Respectfully submitted,



Nelson M. Davidson, Jr.  
Attorney at Law  
104 West Mercer Street, Suite F  
P.O. Box 529  
Dripping Springs, Texas 78620  
State Bar Number: 05444500

ATTORNEY FOR APPLICANT



ESTATE OF	\$	IN THE PROBATE COURT
DELMA LOUISE BRADSHAW,	\$	NO. 1
DECEASED	\$	HAYS COUNTY, TEXAS

ORDER ADMITTING WILL TO PROBATE AS  
A MUNIMENT OF TITLE

On this day, came on to be heard the Application of RAYMOND O. WHISENANT, JR., to probate the written Will and First Codicil to the Last Will and Testament of DELMA LOUISE BRADSHAW, Deceased ("Decedent") as a Muniment of Title. In support of said Application, there was presented in Open Court the Will of Decedent filed with the Court on November 25, 1997.

The Court, having heard the evidence and having reviewed the Will and the First Codicil to the Last Will and Testament and the other papers and documents on file in this cause, finds that all of the statements and allegations contained in the Application are true.

The Court finds that citation and notice as required by law were issued, served, and returned in the manner and for the length of time required by law.

The Court further finds that DELMA LOUISE BRADSHAW is deceased and that it has jurisdiction and venue over this Estate.

The Court further finds that Decedent left a written Will, dated October 1, 1976, and First Codicil to Last Will and Testament dated September 18, 1991, which were executed with the formalities and solemnities and under the circumstances required by law to make it a valid Will and First Codicil to the Last Will and Testament; that at the time of the execution of the Will and First Codicil to

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the Last Will and Testament, Decedent was of sound mind and was at least 18 years of age; and that no objections to or contest to the probate of the Will and First Codicil to the Last Will and Testament have been filed.

The Court further finds that Decedent died at the age of 89 years on May 29, 1997, in Travis County, Texas; that the Will and First Codicil to the Last Will and Codicil were not revoked by the Decedent; that four years have lapsed since the date of death of the Decedent; that no child was born to or adopted by the Decedent after the making of the Will and First Codicil to the Last Will and Testament; and that Decedent was not divorced after the making of the Will and First Codicil to the Last Will and Testament.

The Court further finds that all of the necessary proof required for the probate of the Will and First Codicil to the Last Will and Testament have been made and that such Will and First Codicil to the Last Will and Testament are entitled to be admitted to probate.

The Court further finds that there are no unpaid debts owing by the Decedent which are not secured by liens on real estate, and that there is no necessity for administration of the Estate.

The Court further finds that there is no necessity for the filing with the Court of a sworn affidavit by Applicant before the 181st day after the date the Will and First Codicil to the Last Will and Testament are admitted to probate, and that this Court may waive the requirement for such filing as provided in Section 89 of the Texas Probate Code, as amended.

It is therefore ORDERED, ADJUDGED and DECREED that the Will of DELMA LOUISE BRADSHAW, Deceased, dated October 1, 1976 and First

Codicil to Last Will and Testament dated September 18, 1991, and on file with the court, be and it is hereby admitted to probate and record as the Last Will and Testament and First Codicil to the Last Will and Testament of the Decedent as a Muniment of Title only, and it is ORDERED that such Will and First Codicil to the Last Will and Testament, together with the Application for probate and the other documents and testimony filed or given in these proceedings, be recorded by the Clerk of this Court in the minutes of the Court.

It is further ORDERED that no administration is required on this Estate and that this Order shall constitute full sufficient legal authority to all persons owing any money to the Decedent's Estate, having custody or possession of any property or assets of the Decedent's estate, or acting as registrar or transfer agent for said Estate, for payment or transfer by such parties to those person and distributees described in the Will.

It is further ORDERED that the requirement that Applicant file a sworn affidavit with this Court stating specifically the terms of the Will and First Codicil to the Last Will and Testament that have been fulfilled and the terms of the Will and the First Codicil to the Last Will and Testament that have been unfulfilled before the 181st day after the date that the Will and First Codicil to the Last Will and Testament are admitted to probate is hereby WAIVED.

SIGNED this 8 day of December, 1997.

  
JUDGE PRESIDING

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LAST WILL AND TESTAMENT  
OF  
DELMA LOUISE BRADSHAW

FILED  
HAYS COUNTY, TEXAS  
at 10:00 o'clock PM,  
NOV 25 1997

THE STATE OF TEXAS        )  
                              )       KNOW ALL MEN BY THESE PRESENTS, *Francis A. Villalpando*  
COUNTY OF HAYS            )       COUNTY CLERK

That I, DELMA LOUISE BRADSHAW, a resident of Hays County, Texas, being of sound mind and memory, do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking all other Wills and Codicils heretofore made by me.

I.

I direct that from my estate all just debts, including those incident to my illness and my interment, be paid as soon after my death as may be reasonably convenient.

II.

In the event that my beloved daughters, LOUISE BRADSHAW RAGLAND and BETTY JOY BRADSHAW WHISNANT, shall survive me for a period of thirty (30) full days, I give, devise and bequeath to my said daughters, share and share alike, all of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will. Should any or all of my said children fail to survive me, then the living issue of the deceased child of mine shall take, per stirpes, the share of their deceased ancestor. In the event no direct lineal descendant of said deceased child of mine shall survive me, then the portion of the aforementioned property which such deceased child would have taken under this Article shall be distributed to the surviving child of mine. If neither of my said daughters shall survive me by thirty (30) full days, nor any of my direct lineal descendants shall survive me, then my estate shall be distributed to those persons



who would inherit from me in accordance with the laws of intestate distribution then in effect in the State of Texas.

## III.

I hereby appoint my daughters, LOUISE BRADSHAW RAGLAND and BETTY JOY BRADSHAW WHISNANT, to be Independent Executrices of this Will. If either of my said daughters shall predecease me or for any reason shall fail to qualify as Executrix hereof (or, having qualified, shall die or resign), then in such event I nominate and appoint the surviving daughter to act as Independent Executrix of my estate. I direct that no bond shall be required of my Executrices (or Executrix as the case may be) and that no action shall be had in the County Court in relation to the settlement of my estate other than the probating and recording of this, my Will, and the return of the statutory inventory, appraisalment and list of claims of my estate. I vest my Executrices (or Executrix) with the full power and authority to sell, transfer and convey any property, real or personal, which I may own at the time of my death, at such time and price, and upon such terms and conditions (including credit), as my Executrices (or Executrix) may determine, and to do every act and thing necessary or appropriate to complete administration of this Will. Whenever required to divide or distribute my estate, or any portion thereof, my Executrices (or Executrix) is hereby empowered to make such division or distribution in money or in kind, or partly in money and partly in kind, and in the absence of a showing of bad faith, the valuation of assets by my Executrices (or Executrix) for the purpose of division in kind shall be conclusive and binding.

IN TESTIMONY WHEREOF, I hereunto sign my name to this my Last Will and Testament, in the presence of the undersigned, who witness the same at my request, on this the 1<sup>st</sup> day of October, 1976.

*Delma Louise Bradshaw*  
DELMA LOUISE BRADSHAW

The foregoing instrument was signed, published and declared by DELMA LOUISE BRADSHAW, the Testatrix, to be her Last Will and Testament, in our presence, and we, at her request and in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses, this the 12 day of October, 1976.

Lana K. Cooper  
WITNESS

Peggy Lewis  
WITNESS

Fay C. New  
WITNESS

THE STATE OF TEXAS )  
COUNTY OF TRAVIS )

BEFORE ME, the undersigned authority, on this day personally appeared DELMA LOUISE BRADSHAW, known to me to be the Testatrix, and Lana K. Cooper, Peggy Lewis and Fay C. New, known to me to be the witnesses, respectively, whose names are subscribed to the annexed and foregoing instrument in their respective capacities, and all of said persons being by me duly sworn, the said Testatrix declared to me and to the said witnesses in my presence that said instrument is her Last Will and Testament, and that she had willingly made and executed it as her free act and deed, for the purposes therein expressed; and the said witnesses, each on his oath, stated to me in the presence and hearing of the said Testatrix that she had declared to them that said instrument is her Last Will and Testament, and that she executed the same as such and wanted each of them to sign as a witness; and upon their oaths each witness stated further that he did sign the same as a witness in the presence of the said Testatrix and at her request, and she was at the time eighteen years of age or over and was of sound mind, and that each of said witnesses was then at least fourteen years of age.

Delma Louise Bradshaw  
DELMA LOUISE BRADSHAW

Lana K. Cooper  
WITNESS

Peggy Lewis  
WITNESS

Fay C. New  
WITNESS

SUBSCRIBED AND ACKNOWLEDGED BEFORE ME by the said DELMA LOUISE BRADSHAW, and SUBSCRIBED AND SWORN TO BEFORE ME by the said witnesses on this the 12 of October, 1976.



Vicki O. Scott  
Notary Public in and for  
Travis County, Texas