

CAUSE NO. _____

IN THE ESTATE
OF

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IN THE COUNTY COURTS
AT LAW NO. 2 OF
HUNT COUNTY, TEXAS

ORDER REMOVING EXECUTOR/ADMINISTRATOR

On this day, the Court heard and considered the Court's own motion, motion of an interested person, to show cause why _____, the Executor/Administrator in the above matter should not be removed pursuant to §361.051 / §361.052(a) / §361.052(b) of the Texas Estates Code.

The Administrator was:

- not given notice as authorized by §361.051.
- cited pursuant to §361.052.
- noticed pursuant to §361.052(b)

The Administrator:

- appeared in person.
- appeared by attorney _____.
- failed to appear.

THE COURT FINDS that the Executor/Administrator should be removed for the following reasons:

A. Pursuant to §361.051

- 1. Neglects to qualify in the manner and time required by law;
- 2. Fails to return, before the 91st day after the date the representative qualifies, an inventory of the estate property and a list of claims that have come to the representative's knowledge, unless that deadline is extended by court order;
- 3. If required, fails to give a new bond within the time prescribed;
- 4. Is absent from the state for a consecutive period of three or more months without the court's permission, or moves out of state;
- 5. Cannot be served with notices or other processes because:
 - (A) the representative's whereabouts are unknown;
 - (B) the representative is eluding service; or
 - (C) the representative is a nonresident of this state who does not have a resident agent to accept service of process in any probate proceeding or other action relating to the estate; or
- 6. Subject to Section 361.054(a), has misapplied, embezzled, or removed from the state, or is about to misapply, embezzle, or remove from the state, all or part of the property entrusted to the representative's care.

B. Pursuant to §361.052(a)

- 1. Sufficient grounds appear to support a belief that the representative has misapplied, embezzled, or removed from the state, or is about to misapply, embezzle, or remove from the state, all or part of the property entrusted to the representative's care;
- 2. The representative fails to return any account required by law to be made;
- 3. The representative fails to obey a proper order of the court that has jurisdiction with respect to the performance of the representative's duties;
- 4. The representative is proved to have been guilty of gross misconduct, or mismanagement in the performance of the representative's duties;
- 5. The representative:
 - (A) becomes incapacitated;
 - (B) is sentenced to the penitentiary; or
 - (C) from any other cause, becomes incapable of properly performing the duties of the representative's trust; or
- 6. The representative, as executor or administrator, fails to make a final settlement by the third anniversary of the date letters testamentary or of administration are granted, unless that period is extended by the court on a showing of sufficient cause supported by oath.

C. Pursuant to §361.052(b)

- 1. Fails to timely file the affidavit or certificate required by Section 308.004.

IT IS, THEREFORE, ORDERED that:

- (1) _____ is removed as Executor/Administrator,
- (2) Any letters of administration issued to him/her are cancelled,
- (3) He/she shall immediately surrender any and all letters of administration issued to him/her to the Hunt County Clerk for immediate destruction by the Hunt County Clerk,
- (4) He/she shall immediately deliver any and all estate property in his/her possession to the person who has been appointed and qualified as successor Administrator. If no person has been appointed and qualified as successor Administrator, then he/she shall immediately deliver any and all estate property in his/her possession to the persons entitled thereto under the will admitted to probate in this cause,
- (5) All costs of removal, including attorneys' fees, are to be taxed and adjudged against _____, individually, and the surety on the Executor/Administrator's bond

The Clerk is hereby **ORDERED** to transmit a copy of this Order to _____, the Executor/Administrator removed herein, and his/her attorney of record, _____.

Signed this _____ day of _____, 20_____.

JUDGE JOEL D. LITTLEFIELD
HUNT COUNTY, TEXAS