

CAUSE NO. _____

IN THE ESTATE
OF

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

ORDER TO SHOW CAUSE ON REMOVAL OF EXECUTOR / ADMINISTRATOR

On this day, the Court, on its own motion, **ORDERS** _____ the Administrator / Executor in the above matter to appear before this Court on _____ at _____ and show cause why he/she should not be removed as Administrator / Executor for the reasons set forth herein:

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, ADJUDGED and DECREED by the Court that the Clerk of this Court is hereby directed to issue notice by: personal service pursuant to §51.051 of the Texas Estates Code to the Administrator / Executor and/or a qualified delivery method to the last known address of both (1) the Administrator / Executor and (2) the Attorney of Record for the Administrator / Executor to appear before this Court on _____ at _____ and show cause as to why the Administrator / Executor should not be removed.

SIGNED ON _____.

JUDGE PRESIDING