

PROBATE NO. 18838

CITATION ON APPLICATION FOR PROBATE OF WRITTEN WILL/ AND CODICIL(S)

Clerk of the Court  
JENNIFER LINDENZWEIG  
P.O. BOX 1316  
GREENVILLE, TEXAS 75403

Attorney or Person Filing Cause  
JACK K ROBINSON ATTORNEY @  
LAW  
2931 RIDGE ROAD SUITE 101-162  
ROCKWALL TX 75032

THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF **MARY CAROLYN GREGORY**  
Deceased, No. 18838  
Hunt County Court, Texas

On 26th day of March, 2020,

Mari Elizabeth Duty filed in the County Court at Law #1 of Hunt County, an application for probate of the last will and testament / and codicil(s) of said **MARY CAROLYN GREGORY**, Deceased, and for letters testamentary (the said will accompanying said application / and codicil(s) attached).

Said application may be heard and acted on by said Court at 10:00 o'clock A.M., on the first Monday after the expiration of ten days from date of posting this citation, the same being on this the 13th day of April, 2020 at the County Courthouse in Greenville, 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 this citation at the courthouse doors of the county in which this proceeding is 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 the time and the place he posted such copy.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at this office, in Hunt County Texas, on this the 26th day of March, 2020.

JENNIFER LINDENZWEIG  
HUNT COUNTY CLERK  
GREENVILLE, TEXAS

BY: Valerie Bradley, Deputy  
Melissa Young/Valerie Bradley



SHERIFF'S RETURN

Came to hand on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_.M., and executed on \_\_\_\_\_, 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 Hunt County, Texas, or at the place in or near the said courthouse where public notices customarily are posted, that is, from \_\_\_\_\_, 20\_\_\_\_, through \_\_\_\_\_, 20\_\_\_\_, inclusive.

RANDY MEEKS, SHERIFF  
HUNT COUNTY, TEXAS  
BY: \_\_\_\_\_, Deputy

No. 18838

ESTATE OF MARY CAROLYN GREGORY, DECEASED  
§ IN THE COUNTY COURT  
§ Hunt County - County Court at Law 1  
§ AT LAW NO. \_\_\_\_\_ OF  
§  
§ HUNT COUNTY, TEXAS

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

**Applicant: Mari Elizabeth Duty**

**Decedent: Mary Carolyn Gregory**

Applicant files this application for an order admitting to probate the written Will of Decedent, for the appointment of Mari Elizabeth Duty as Executor, and for issuance of letters testamentary, and shows the Court as follows:

***1. Domicile of Applicant***

Applicant, Mari Elizabeth Duty, Daughter, an executor named in the will, is domiciled in Hunt County, and may be served at 1431 Alpine Street, Greenville, Texas. The last three digits of Mari Elizabeth Duty's Social Security number are 903. The last three digits of Mari Elizabeth Duty's Texas driver's license are 250.

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

Decedent, Mary Carolyn Gregory, was domiciled in Hunt County, Texas. On the date of death, Decedent was 77 years old.

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

Decedent died on November 9, 2019 in Plano, Collin County, Texas at Baylor Scott and White Medical Center.

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

The last three digits of Decedent's Social Security number are 389. The last three digits of Decedent's Texas driver's license are 641.

***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. Property***

Decedent owned real and personal property described generally as real and personal property located at 7639 Private Road 2576, Quinlan, Texas 75474, having an aggregate probable value of \$100,000.

***7. Medicaid Benefits***

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

***8. Date of Will***

Decedent executed a valid, written Will on June 21, 2019, which was never revoked. The Will, a copy of which is filed with this application was made self-proved as provided by Section 251.104 of the Texas Estates Code.

***9. Subscribing Witnesses to the Will Facts***

The subscribing witnesses to the Decedent's Will are Jack Robinson and Linda Dodson.

***10. Executor Facts***

Decedent's Will names Mari Elizabeth Duty, whose address is 1431 Alpine Street, Greenville, Hunt County, Texas, 75401, to serve as independent executor without bond.

***11. After-Born Children***

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

***12. Divorce After Execution of Will***

Decedent was never divorced.

***13. 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.

***14. Qualification for Letters Testamentary***

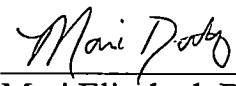
Mari Elizabeth Duty is not disqualified by law from accepting letters testamentary.

***15. 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 Mari Elizabeth Duty 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, appraisement, 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

  
\_\_\_\_\_  
Mari Elizabeth Duty, Applicant

Respectfully submitted,

JACK K ROBINSON  
Mailing Address: 2931 Ridge Road; Suite 101-162; Rockwall, Texas 75032  
Office Address: 603 N. Goliad; Rockwall, Texas 75087  
Tel: (972) 772-6100  
Fax: (972) 772-3732

By: /s/ Jack K. Robinson, Jr.  
Jack K. Robinson, Jr.  
State Bar No. 17092200  
E-mail: Jack@jackrobinson.com  
Attorney for Mari Elizabeth Duty

**Last Will And Testament****Of****MARY CAROLYN GREGORY**

I, Mary Carolyn Gregory, a resident of Hunt County, Texas, being of sound mind and disposing memory, declare this to be my will and hereby revoke all prior wills and codicils made by me.

**1. Payment of Debts and Expenses**

First, I direct that all expenses of my last illness, funeral expenses, all debts which may be rightfully owing against me, and all taxes of every nature which I may owe shall be paid out of my estate. My Independent Executor, however, shall have absolute discretion to distribute any property in my estate subject to and without paying any indebtedness secured by such property. Any distributee receiving property encumbered by a lien will be considered to have received the value of any equity in such property.

**2. Family**

2.1 I am not married at the time this will is signed.

2.2 My children are Del Roy Forbes, Christopher Brian Forbes, Jimi Carol Bratt, William Joseph Forbes and Mari Elizabeth Duty.

**3. General Gifts**

3.1 I may from time to time create one or more lists or mark certain items of personal property that I want to be given to specific persons after I die. I request that the person who serves as the executor of my estate honor these designations and make sure these items are distributed to the person designated to receive these items whether or not my will is offered or admitted to probate.

3.2 With the exception of any real property I own and am living on with my son, William Joseph Forbes, at the time of my death I give, devise and bequeath the remainder of my entire estate to my descendants equally, per stirpes.

**4. Contingent Trusts**

4.1 If at the time of my death, I own and am living on any real property with my son, William Joseph Forbes, then such real property shall be delivered to my Trustee to be held in trust to be administered under this subsection.

A. William Joseph Forbes is entitled to live on such real property until his death if he maintains & uses the property as outlined in the next section.

Initials: MJ

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B. Maintaining & using the property shall mean that my son, William Joseph Forbes shall include the following requirements:

- I. Timely pay all property taxes each year he lives on the property.
- II. Maintain the property in the overall condition it was in on the death of my death
- III. He must live on the property at least 200 days of each year.
- IV. Maintain homeowners and liability insurance on the property. The trust must be listed as an insured on the property. He must provide the Trustee annually proof that such insurance is in place.
- V. He cannot lease out any portion of the property at any time, unless it was leased prior to my death.

C. If my son, William Joseph Forbes, signs the necessary paperwork to relinquish his right to live on the property or if my trustee, in his or her sole discretion, determines that my son, William Joseph Forbes has violated any of the maintenance and use requirements listed above, the property must be sold and the proceeds of the sale shall go to my descendants equally, per stirpes.

5. *Fiduciary Appointments*

5.1 Independent Executor Without Bond. I nominate, constitute and appoint Mari Elizabeth Duty to serve as independent executor of my will and estate. If, for any reason, Mari Elizabeth Duty does not, or ceases to, serve as my independent executor, I nominate, constitute and appoint Jimi Carol Bratt to serve as the successor independent executor of my will and estate. Any executor or successor executor appointed under this will shall serve without the necessity of any bond.

5.2 Trustee. I nominate, constitute and appoint mari Elizabeth Duty to serve as trustee of all trusts created by my will. Any trustee or successor trustee appointed under this will shall serve without the necessity of any bond.

Initials: 

## 6. *Executor's Powers*

6.1 Independent Authority. To the maximum extent permitted by law, my independent executor, and any successor, may act independently and free from control by any court. No action of any nature may be had in any court with probate jurisdiction in relation to the settlement of my estate other than the probating and recording of my will and, if required, the return of an inventory, appraisement, and list of claims of my estate. Without limiting the powers under this paragraph, my Executor and any successor executor shall have the following additional powers.

- A. My independent executor, and any successor, may sell or otherwise dispose of any property in my estate and he or she may execute and deliver proper deeds, assignments and other written instruments and to do any and all things proper or necessary in the orderly handling and management of my estate.
- B. My independent executor, and any successor, shall have full power and authority to compromise, settle and adjust any and all debts, claims and taxes which may be due from or owing by my estate.
- C. My independent executor, and any successor, shall have all of the powers granted to him or her as an independent executor under Texas law or any other applicable law.
- D. My independent executor, and any successor, shall have any other powers appropriate to properly administer and distribute my estate.

## 7. *Trustee's Powers*

7.1 Independent Authority. To the maximum extent permitted by law, my trustee, and any successor trustee, under this will must act independently and free from control by any court.

7.2 General Powers. Except as limited by the terms of this will, my trustee, and any successor trustee, shall have all of the powers granted to trustees by the Texas Trust Code, and by any future amendments to that code or given under any other applicable law with respect to the powers of trustees. Without limiting the powers under this paragraph, my trustee, and any successor trustee, shall have the following additional powers.

- A. My trustee, and any successor, may sell or otherwise dispose of any property held in trust and he or she may execute and deliver proper deeds, assignments and other written instruments and to do any and all.

Initials: *ML*

things proper or necessary in the orderly handling and management of the trust.

B. My trustee, and any successor, shall have full power and authority to compromise, settle and adjust any and all debts, claims and taxes which may be due from or owing by the trust.

C. My trustee, and any successor, shall have any other powers appropriate to properly administer and distribute my estate.

D. My trustee, and any successor, may charge the same fees customarily charged for similar services at the time the services are performed.

8. *General Provisions*

8.1 References. Any reference to "the", "this", "any", or "my" "executor", "trustee" or "guardian" in this will also means and includes any ancillary fiduciaries, co-fiduciaries, alternates or successors while serving in that fiduciary capacity under my will.

8.2 Change in Fiduciary. Any successor fiduciary is relieved of any duty to examine the acts of any prior fiduciary, without the necessity of any court accounting, and any successor fiduciary will be responsible for only those assets which are actually delivered to that fiduciary.

8.3 Waiver of Bond; Release, Indemnity and Hold Harmless. No bond may be required of any fiduciary. Any fiduciary may rely in good faith upon the written opinion of an attorney, any facts stated in any instrument in writing and believed to be true, or any other evidence deemed sufficient. Any fiduciary is released, indemnified and held harmless from any liability, except to the extent of any profit derived by the trustee from a breach of fiduciary duty, for any action that fiduciary may take, or for the failure of that fiduciary to take any action, if done in good faith and without gross negligence, including, without limitation, indemnity for the ordinary negligence of that fiduciary.

8.4 Records. All assets, books of account and records of my estate and each trust will be available for inspection at all times during business hours by any fiduciary under my will, by any beneficiary, or by any person or persons designated by any one of them.

8.5 Survival. For purposes of this will, no person will be considered to have survived me unless they survive me by 120 days or until this will is admitted to probate, whichever occurs earlier.

Initials: M.L.

8.6 Spendthrift Protection. Prior to the actual receipt of property by any beneficiary, no property (income or principal) distributable under my will or under any trust created under this will is subject to anticipation or assignment by any beneficiary, or to attachment by, or to the interference or control of, any creditor or assignee of any beneficiary, or to be taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary. Any attempted transfer or encumbrance of any interest in that property by any beneficiary prior to distribution will be absolutely void.

8.7 Powers of Appointment. The gift of my residuary estate does not exercise any power of appointment.

8.8 Rule against Perpetuities. Despite anything to the contrary contained in this will, any trusts created under this will terminate, unless earlier terminated, one day less than twenty-one years after the date of death of the last to survive of my children and their descendants who are living at the time of my death. With respect to the termination of any trust caused by application of this subsection, despite anything to the contrary contained in this will, any remaining trust property will be distributed to the beneficiary or ward of the trust.

8.9 Merger of Trusts. My trustee, in my trustee's absolute discretion, may distribute all or any part of the income and principal of any trust to, or may merge any trust created under this will with, any other trust(s) created by any other individual or me if the terms of those trusts are substantially similar, if those trusts are held for the primary benefit of the same person(s) and have the same spendthrift protection. In the event that any trusts with different contingent beneficiaries are merged under this Merger of Trusts subsection and any part of that merged trust is to be distributed to contingent beneficiaries, then the property remaining in the merged trust at the time of the distribution will be divided pro rata among the contingent beneficiaries of each original trust in proportion to the value of each original trust at the time the trusts were merged. Further, if the original trusts are to terminate at different times, my trustee will terminate the respective merged portions at the appropriate times on a pro rata basis in proportion to the value of each original trust at the time the trusts were merged.

8.10 Headings. The headings in this will are for convenient reference only. They are not part of the will and do not affect its meaning.

Initials: MJF

8.11 Number and Gender. Where appropriate to the context of this will, the singular may be construed as plural, the plural may be construed as singular, and one gender may be construed as another gender.

*9. Definitions*

The definitions in this section apply to terms used in this will. In case of any conflict between these definitions and any other provision contained in this will, these definitions govern.

9.1 Children. The words "child" and "children" include any biological child, as well as any adopted child, but only if the adopted child is adopted by a legal proceeding begun before that child reaches age 18. A child in gestation who is born alive will be considered a child throughout the period of gestation.

9.2 Descendants. The word "descendants" includes:

- A. biological children and the descendants of those children; and
- B. any adopted child or adopted descendant, but only if that adopted child or descendant is adopted by a legal proceeding begun before that child reaches age 18.

*10. No Contest*

If any beneficiary under this will contests its legality or sufficiency in any manner, or contests any provision, gift, devise or bequest contained herein, then any gift, devise or bequest to such beneficiary is hereby revoked and such property shall be disposed of as part of the residue of my estate. This provision shall not be enforced, however, if the Court in which such contest is made finds that the contest was based on just cause and brought in good faith.

I have placed my initials on each of the preceding pages of this, my will, and in the presence of two witnesses, whom I have requested to act as witnesses and to sign this will in that capacity, in my presence and in the presence of each other, I sign my name on this instrument as my will, on June 21, 2019.

I, Mary Carolyn Gregory, as Testatrix, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority that this instrument is my will, that I willingly make and execute it in the presence of the undersigned witnesses, all of whom are present at the same time, as my free act and deed, and that I request each of the undersigned witnesses to sign this will in my presence and in the presence of each other. I now sign this will in the presence of the attesting witnesses and the undersigned authority on this June 21, 2019.

Initials: MCG

Mary Carolyn Gregory  
Mary Carolyn Gregory, Testatrix

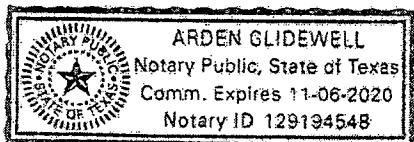
### WITNESSES

The undersigned, Jack Robinson and Linda Dodson, each being at least fourteen years of age, after being duly sworn, declare to the Testatrix and to the undersigned authority that the Testatrix declared to us that this instrument is the Testatrix's will and that the Testatrix requested us to act as witnesses to the Testatrix's will and signature. The Testatrix then signed this will in our presence, all of us being present at the same time. The Testatrix is eighteen years of age or over (or being under such age, is or has been lawfully married, or is a member of the armed forces of the United States or of an auxiliary of the armed forces of the United States or of the United States Maritime Service), and we believe the Testatrix to be of sound mind. We now sign our names as attesting witnesses in the presence of the Testatrix, each other, and the undersigned authority on June 21, 2019.

Jack Robinson  
Jack Robinson, Witness

Linda Dodson  
Linda Dodson, Witness

**SUBSCRIBED AND SWORN TO BEFORE ME** by the said Mary Carolyn Gregory, Testatrix, and by the said Jack Robinson and Linda Dodson, witnesses, on June 21, 2019.



M. B.  
Notary Public in and for the State of Texas

Initials: M. B.