

CAUSE NO.

IN THE ESTATE OF

+++++++,

DECEASED

IN THE COUNTY COURT

++++++ COUNTY, TEXAS

OPPOSITION TO PROBATE OF WILL AND TO ISSUANCE OF LETTERS TESTAMENTARY

TO THE HONORABLE COURT:

1. ++++++, hereinafter referred to as the Contestant, for the purpose of opposing the application for probate of the will of ++++++, the Decedent, dated ++++++, and for issuance of letters testamentary, filed by ++++++, the Proponent, in this Court on ++++++, furnishes the following information to the Court:
2. The Contestant is a person interested in the Decedent's estate, in that the Contestants are two of the surviving children of the Decedent. Applicant, ++++++ is the third child of decedent.
3. The Contestants are an individuals domiciled in and residing at ++++++respectively.
4. The following allegations in the Proponent's application for probate are admitted by the Contestant and are adopted and made part of this opposition: (1) the Decedent's name, age, and domicile; (2) the fact, date, and place of the Decedent's death; and (3) the facts showing jurisdiction and venue.
5. Excepting the matters admitted in Paragraph 4, the Contestant denies generally the allegations contained in the Proponent's application for probate and demands strict proof

by a preponderance of the evidence.

6. The instrument dated ++++++ filed in this Court along with the application for probate on ++++++ , and purporting to be the Decedent's last will and testament, is not the Decedent's lawful and valid will and should not be admitted to probate.
7. The Decedent, did not execute the instrument dated ++++++ with the formalities and solemnities and under the circumstances required by law to make it a valid will, in that the instrument bears the signature of only one person purporting to subscribe his name as an attesting witness. The one witness cannot be found to testify in court.
8. The Decedent did not execute the instrument dated ++++++ with the present intent to create a revocable disposition of her property to take effect after her death; it was intended instead as a rough draft memorandum to be either reduced to final written form at some undecided time in the future or rejected.
9. In the alternative, the purported will does not appoint the proponent as independent executrix and letters testamentary cannot be issued to her.
10. The Decedent did not make a legal or valid will, and died intestate.
11. Decedent owned real and personal property described generally as a home, other real property, cash, and assorted personal effects of a value unknown to contestants. It is necessary and in the best interest of the estate for the court to determine who are the heirs and only heirs of the decedent.
12. WHEREFORE, the Contestant requests that the instrument offered by the Proponent not be admitted to probate, that letters testamentary not be issued under that instrument, that the Decedent's estate be distributed to the persons entitled to it according to law, and that

such other and further orders be made as the Court may deem proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Robert A. Ray, do hereby certify that a true and correct copy of the above and foregoing pleading, plea, or motion was delivered to the adverse party or his attorney of record at the address shown on his pleadings.

Robert A. Ray