

APPLICATION TO COMPEL DISCLOSURE OF CONTENT OF DIGITAL ASSETS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES **FIELD(Applicant)**, files this Application to Compel Disclosure of Content of Digital Assets, including content of electronic communications pursuant to Sections 351.106, 2001.101, and 2001.102 of the Texas Estates Code (the "Application") and respectfully shows the Court the following:

1. **FIELD(Principal)** (the "Decedent"), a domiciliary of [City, County] County, Texas, died on **FIELD(Date of Death)**.
2. Applicant's Will dated **FIELD(Date of Will)** was admitted to probate in this Cause and Applicant was appointed as **FIELD(PRTitle)** of Decedent's estate on **FIELD(Date Admitted)** and qualified in that capacity on **[Date of qualification]**.
3. Decedent had accounts with the following institutions (collectively, the "Accounts"): [EXAMPLE: (i) Apple, all accounts related to Apple ID: DECEDENT1234@icloud.com, iPhone 12, International Mobile Equipment Identity No. 1234567891234, or Phone No. 555-555-1234, including but not limited to any iCloud account and iMessages; (ii) T-Mobile, all accounts related to Account No. 9876543211234 or Phone No. 555-555-1234, including but not limited to all call logs and SMS messages; (iii) Google, all accounts related to DECEDENT1234@gmail.com, including but not limited to the contents of any electronic correspondences; (iv) Facebook; (v) LinkedIn; and (vi) Instagram, username @DECEDENT1234].
4. With respect to each of the Accounts, disclosure of the content of electronic communications of the Decedent will not violate the Electronic Communications Privacy Act of 1986 (ECPA), 18 U.S.C. Sections 2510-2523; 18 U.S.C. Section 2701 et seq., governing unlawful access to stored communications; 47 U.S.C. Section 222, governing privacy of customer information; or other applicable law.
5. Disclosure of the content of electronic communications of the Decedent with respect

to each Account is reasonably necessary for administration of the estate.

WHEREFORE, PREMISES CONSIDERED, Applicant requests the Court to sign an order pursuant to Sections 351.106, 2001.101, and 2001.102 of the Texas Estates Code:

1. Finding that Decedent had accounts with the following institutions: [EXAMPLE:(i) Apple, all accounts related to Apple ID: DECEDENT1234@icloud.com, iPhone 12, International Mobile Equipment Identity No. 1234567891234, or Phone No. 555-555-1234, including but not limited to any iCloud account and iMessages; (ii) T-Mobile, all accounts related to Account No. 9876543211234 or Phone No. 555-555-1234, including but not limited to all call logs and SMS messages; (iii) Google, all accounts related to DECEDENT1234@gmail.com, including but not limited to the contents of any electronic correspondences; (iv) Facebook; (v) LinkedIn; and (vi) Instagram, username @DECEDENT1234];
2. Finding that with respect to each of the Accounts, disclosure of the content of electronic communications of the Decedent will not violate the Electronic Communications Privacy Act of 1986 (ECPA), 18 U.S.C. Sections 2510-2523; 18 U.S.C. Section 2701 et seq., governing unlawful access to stored communications; 47 U.S.C. Section 222, governing privacy of customer information; or other applicable law;
3. Finding that disclosure of the content of electronic communications of the Decedent with respect to each Account is reasonably necessary for administration of the estate;
4. Ordering that **FIELD(Applicant)** have the authority to take all appropriate action to access, take control of, copy or delete, read, continue or terminate, or otherwise deal with the Accounts, including the right to access and receive disclosure of both the catalog of electronic communications and the content of electronic communications as provided in Chapter 2001 of the Texas Estates Code; and
5. Ordering the respective custodians of each of the Accounts to disclose to the **FIELD(PRTITLE)** both the catalog of electronic communications and the content of electronic communications sent or received by the Decedent in accordance with Texas Estates Code Sections 2001.101 and 2001.102, including, without limitation, the authority to receive and use any and all user names or other forms of identification, passwords, access codes, or other information pertaining to or required to access the Accounts.

Respectfully submitted,



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ATTORNEY FOR APPLICANT

VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Before me, the undersigned authority, on this day personally appeared **FIELD(Applicant)**, known to me to be the **FIELD(PRTitle)** of the Estate of **FIELD(Principal)**, Deceased, and on **VARIABLE(vHisHer)** oath stated that the facts stated in the above Application to Compel Disclosure Of Content of Digital Assets are within **VARIABLE(vHisHer)** personal knowledge and are true and correct.

FIELD(Applicant)

SWORN TO AND SUBSCRIBED before me on April 14, 2020, by **FIELD(Applicant)**, as **FIELD(PRTitle)** of the Estate of **FIELD(Principal)**, Deceased.

Notary Public, State of Texas