

**ESTATE OF TOUPPER(FIELD(Principal)), Cause No. FIELD(Cause Number)**

**DIRECT EXAMINATION OF TOUPPER(FIELD(Applicant) )**

1. Please state your name for the court. **FIELD(Applicant)** What is your relationship to **FIELD(Principal)**, Deceased? **[RELATIONSHIP]**
2. Did **FIELD(Principal)** die on **FIELD(Date of Death)**, in **FIELD(County)** County, Texas, at the age of **FIELD(Age)** years? **Yes**
3. Was your [RELATION] domiciled and had a fixed place of residence in this county at the time of **IF("VARIABLE(vSexP)"="M")hisELSE herENDIF** death? **Yes**
4. Did **IF("VARIABLE(vSexP)"="F")sENDIF** he leave a will dated **FIELD(Date of Will)**? **Yes** *[Request will from court.]* Is this that will? **Yes** Can you identify the signature on the will? **Yes**
5. To the best of your knowledge, was this will ever revoked? **No**

*[Ask Judge to take judicial notice that the will was made self proving by affidavit, and that it was duly executed]*

6. Were any children born to or adopted by your [RELATION] after making this will? **No**
7. Was any marriage of your [RELATION] terminated by divorce, annulment, or declaration that a marriage was void after the date of this will? **No**
8. **IF(VARIABLE(vMuniment))**Are there any debts owed by your [RELATION]'s estate, other than those secured by liens on real estate? **No** Did your [RELATION] apply for or receive Medicaid benefits on or after March 1, 2005? **No****ELSE** Are there debts owed by or real estate assets in the estate of your [RELATION], which require that **IF("VARIABLE(vSexP)"="F")herELSE hisENDIF** estate be administered? **Yes** Were you named in will as Independent Executor, to serve without bond? **YesENDIF**
9. **IF(VARIABLE(vMuniment))**Are you requesting the court to order your [RELATION]'s will probated as a Muniment of Title? **Yes** **ELSE** *(Before hearing, explain to client the grounds for disqualification from serving as an executor\*)* Before this hearing, did I explain to you the legal grounds that could disqualify a person from serving as executor? **Yes** Have you ever been determined incapacitated by a court? **No** Have you ever been convicted of a felony or a crime of moral turpitude? **No** **Are you a resident of this state OR Have you appointed a resident agent to accept service of process in this state?** **Yes** Is there any reason you would be disqualified to serve as Independent Executor? **No** **ENDIF**
10. Was the State of Texas, any agency of the state, or any charitable organization named by the will as a devisee? **No**

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\* §304.003: Those disqualified are: incapacitated persons, convicted felons, non-residents who have not appointed a local agent, corporations not authorized to be fiduciaries, or people "the court finds unsuitable." **Crimes of moral turpitude:** those that involve dishonesty, fraud, deceit, misrepresentation, or deliberate violence. *Duncan v. Board of Disciplinary Appeals*, 898 S.W.2d 759, 761 (Tex.1995).

11. Is this estate a non-taxable estate, and are you requesting that the court waive appointing appraisers? **Yes**
12. Have you read and examined the Application for Probate **IF(VARIABLE(vMuniment))** as a Muniment of Title **ELSE** and Issuance of Letters Testamentary **ENDIF** ? **Yes** Is every statement in that application true? **Yes**

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