

Cause No. FIELD (Cause Number)

DIRECT EXAMINATION OF [NAME]

1. State name; friend and attorney to **FIELD (Principal)**, Deceased. I have direct personal knowledge of the facts of his will preparation and execution.
2. The document filed with the Application in this case is a true and correct copy of a Will I prepared for the Decedent. The only difference between it and the final signed version are the actual signatures.
3. **I presided over, personally observed the execution and witnessing of the Will, and notarized the signatures of the testator and witnesses** on **FIELD (Date of Will)**. Usual and customary procedure for doing this was to have testator and witnesses sign my notary record book, and to maintain a checklist of actions during the signing. I present true and correct copies of these business records as Exhibits A and B, and request they be admitted into evidence.
4. **The will of Decedent differs from intestate heirship only in that there are special bequests of personal property to Decedent's children, and funds for Decedent's children are held in trust for their health, education, support, and maintenance until they reach the age of 24 years.**
5. I am confident that the will was never revoked: I had done a prior will for the Decedent, and am confident that had he ever wanted to revoke or amend this will he would have asked me to do so, as we remained on good and friendly terms until his death.
6. I prepared the Application for Probate of Lost Will and for Issuance of Letters Testamentary: every statement in that application is true.

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

DIRECT EXAMINATION OF TOUPPER(FIELD(Applicant))

[Ask Judge to take judicial notice that the will was made self proving by affidavit, that it was duly executed, and that citation has been issued and served as required by law.]

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 at Death)** years? **Yes**
3. Was **FIELD(Principal)** domiciled and had a fixed place of residence in this county at the time of **IF("VARIABLE(vDSex)"="M")hisELSE herENDIF** death? **Yes**
4. Did **IF("VARIABLE(vDSex)"="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**
6. Were any children born to or adopted by the deceased after making this will? **No**
7. Was any marriage of **FIELD(Principal)** terminated by divorce, annulment, or declaration that a marriage was void after the date of this will? **No**
8. **IF("VARIABLE(vMuniment)"="Y")**Are there any debts owed by the estate of **FIELD(Principal)**, other than those secured by liens on real estate? **No** **ELSE** Were you named in will as Independent **VARIABLE(vExecutor)**, to serve without bond? **YesENDIF**
9. **IF("VARIABLE(vMuniment)"="Y")**Are you requesting the court to order the will of **FIELD(Principal)** 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 **VARIABLE(**

* §78: 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."

vExecutor)? **Yes** Is there any reason you would be disqualified to serve as Independent **VARIABLE(vExecutor)? No****ENDIF**

10. Have you read and examined the Application for Probate **IF("VARIABLE(vMuniment)"="Y")**as a Muniment of Title**ELSE** and Issuance of Letters Testamentary**ENDIF** ? **Yes** Is every statement in that application true?
Yes
11. Was the State of Texas, any agency of the state, or any charitable organization named by the will as a devisee? **No**
12. In your opinion, is there any necessity for appointing appraisers for this estate? **No**