


THE STATE OF TEXAS
COUNTY OF FANNIN

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ATTORNEY OR PERSON FILING CAUSE
WILLIAM C. TERRY, APPLICANT'S ATTORNEY
402 N CENTER
BONHAM TX 75418

FILED FOR RECORD
FANNIN COUNTY, TEXAS
2021 APR -6 PM 3:53
BY  TAMMY BIGGAR
COUNTY CLERK
DEPUTY

TO ALL PERSONS INTERESTED:

STYLE OF CAUSE : **IN THE ESTATE OF TIMOTHY CHARLES TERRY, DECEASED**

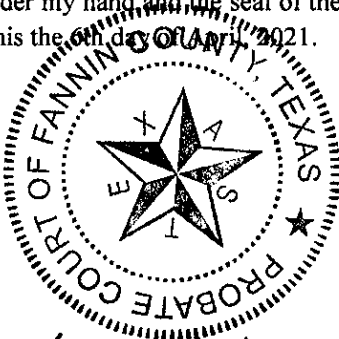
CAUSE NUMBER : **PR-2021-12923**

SHARON KAY TERRY, Applicant(s), filed in the County Court at Law of Fannin County, Texas on the 6th day of April, 2021 an application for: **APPLICATION TO PROBATE WILL NOT PRODUCED IN COURT AND FOR ISSUANCE OF LETTERS TESTAMENTARY**. A copy of the will is accompanying the application

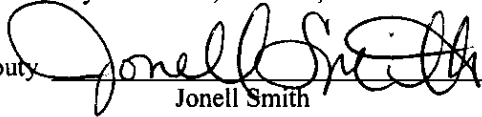
This application may be acted on by the Court at 10 o'clock A.M. on the First Monday next after the expiration of ten days from date of posting this citation, the same being the 19th day of April, 2021 at the County Courthouse in Bonham, Texas. All persons interested in the above mentioned estate are hereby cited to appear before this Honorable Court by filing a written contest or answer to this Application should they desire to do so. **To ensure its consideration, you or your attorney must file any objection, intervention, or response in writing** with the County Clerk of Fannin County, Texas on or before the above-noted date and time.

The officer executing this citation shall post the copy of this citation at the Courthouse door of the County in which this proceeding is pending, or at the place in or near the courthouse where public notices customarily are posted, for not less than ten days before the return day thereof, exclusive of the date of posting and shall return the original copy of this citation to the clerk stating in a written return thereon the time when and the place where the posted such copy. *Due to the restoration of the Fannin County Courthouse, by Order signed in Commissioners Court on the 17th day of October, 2017, citations will be posted at Bonham City Hall, 514 Chestnut Street, Bonham, Texas 75418.*

Given under my hand and the seal of the Probate Court of Fannin County, Texas, at the office of the Fannin County Clerk in Bonham, Texas, this the 6th day of April, 2021.



Tammy Biggar, County Clerk, Fannin County, Texas
101 E. Sam Rayburn Drive, Bonham, Texas 75418

By Deputy 
Jonell Smith

SHERIFF'S RETURN

Came to hand on the 6 day of April, 2021 at 3:40 o'clock P M. and executed on the 6 day of April, 2021 by posting a copy of the above citation for ten days, exclusive of the day of posting, before the return day hereof, at the County Courthouse door of Fannin County, Texas, or at the place in or near the Fannin County Courthouse where public notices customarily are posted, (*due to the restoration of the Fannin County Courthouse, by Order signed in Commissioners Court on the 17th day of October, 2017, citations will be posted at Bonham City Hall, 514 Chestnut Street, Bonham, Texas 75418*).

Mark Johnson, Sheriff
Fannin County, Texas

By Deputy  466

Notice of Application to Probate Copy of Lost Will or Codicil
Or Lost Will or Codicil Without A Copy

You are notified that an application has been filed in this Decedent's estate to probate a written will or codicil even though the applicant cannot produce the original will. The application filed in this estate seeks either to probate a copy of a lost will or codicil or to probate a lost will or codicil without a copy (all referred to below as "lost will").

When an original will cannot be produced, the law presumes that the testator (the person who wrote the will) revoked the will before the testator's death. The Court will not grant the application in this case unless the applicant offers sufficient evidence to rebut that presumption and proves to the Court that the will was not revoked, even though only a copy has been filed.

If no will is admitted to probate, Decedent's property will pass to Decedent's heirs. If a lost codicil to a valid original will is not admitted to probate, Decedent's property will pass to the devisees (beneficiaries) named in the valid will. Therefore, your rights to inherit property may be affected by the probate of the lost will either (1) as a heir of the Decedent, or (2) as someone who is named as a devisee in the lost will, or (3) as a devisee in a valid will when there is a lost codicil to that will.

If you want to object to the probate of the lost will, you must file a written objection with the Clerk. The Clerk's citation, which is attached to this notice, indicates the date by which you should file a written objection. Note that the citation does not indicate a specific hearing date.

If you sign an affidavit waiving citation, you are indicating to the Court that you do not object to the probate of the lost will.

You should consult an attorney if you have any questions about your rights in this probate matter.

copy

LAST WILL AND TESTAMENT

of

TIMOTHY CHARLES TERRY

I, TIMOTHY CHARLES TERRY, of the County of Fannin and the State of Texas, being of sound and disposing mind and memory, do make and declare this instrument to be my Last Will and Testament, hereby expressly revoking all former Wills and Codicils made by me at any time heretofore, and intending hereby to dispose of all the property of whatever kind and wherever situated which I own, or in which I have any kind of interest at the time of my death.

I.

IDENTITY OF THE FAMILY

My wife's name is SHARON KAY LANGLEY TERRY. All references in this Will to my "spouse" or to my "wife" are to her. At the time of the execution of this Will, I have four children, namely, MARIANA DAWN TERRY SIMMONS, JOEL NATHAN TERRY, JOHN MICHAEL TERRY, and RUTH HANNAH TERRY.

II.

PAYMENT OF EXPENSES

I direct that all the expenses of my last illness, my funeral expenses, and my just personal debts, including any inheritance taxes, transfer taxes, and estate taxes which may be levied by the United States Government or by any state by reason of my death, shall be paid by my Independent Executrix out of the residue of my estate as soon as conveniently may be done; provided that my Independent Executrix, in such Executrix's sole discretion, may distribute from time to time any real or personal property in my estate which at my death is subject to a lien securing an indebtedness upon it without discharging said indebtedness, if in my Independent Executrix's judgment, the condition of my estate so requires. The distributee shall then be considered as having received my estate's equity in the property.

III.

DISPOSITION OF ESTATE

A. If my wife, SHARON KAY TERRY, survives me, I give, devise and bequeath all of my estate of whatsoever kind and wheresoever situated to my wife, SHARON KAY LANGLEY TERRY. If my wife, SHARON KAY TERRY, does not survive me, I give, devise and bequeath all of my estate to my children, MARIANA DAWN TERRY SIMMONS, JOEL NATHAN TERRY, JOHN MICHAEL TERRY, and RUTH HANNAH TERRY, in equal shares; provided, however, that if a child of mine shall not then survive me, but should leave issue then surviving me,

such then surviving issue shall take, per stirpes, the share that such deceased child would have taken by surviving me, or if none is then living, then said share shall be distributed, in equal shares, to my then living children or their issue per stirpes, or if none of my descendants is then living, then said share shall be distributed as provided in the paragraph below.

B. Any other property of mine that has not been disposed of under any other provision of this Will shall go and be distributed to my heirs-at-law. Their identity and respective shares shall be determined in all respects as if my death had occurred immediately following the happening of the event requiring such distribution, and according to the laws of Texas then in force governing the distribution of the estate of an intestate.

IV. DEFINITION OF SURVIVAL

Any legatee, devisee, donee, person or beneficiary with respect to all or any part of my estate who shall not survive until ten (10) days after the date of my death, or until this Will is probated, whichever occurs earlier, shall be deemed to have predeceased me, and shall be treated for all purposes herein as though such person had predeceased me.

V. APPOINTMENT OF EXECUTOR

A. I hereby nominate, constitute and appoint my wife, SHARON KAY TERRY, as Independent Executrix of my estate. In the event that my wife, SHARON KAY TERRY, shall predecease me or fail or refuse to qualify, or die, resign, or become unable to serve during the administration of my estate, I hereby nominate, constitute and appoint my daughter, MARIANA TERRY SIMMONS, as Independent Executrix, and all the powers, duties and responsibilities granted and imposed upon SHARON KAY TERRY shall devolve upon and be exercised by MARIANA TERRY SIMMONS.

B. If any individual Independent Executor or Executrix becomes unable to discharge his or her duties under this Will because of accident, physical or mental illness or deterioration, or other cause and does not resign, then upon certification in a form sufficient for the recording of a deed in the State of Texas by two medical doctors (neither of whom is a beneficiary under this Will) affirming that each has examined the Independent Executor or Executrix and that each has concluded, based on such examination, that the Independent Executor or Executrix is unable to discharge his or her duties under this Will, the Independent Executor or Executrix shall cease to serve, as if he or she had resigned, effective the date of the certification.

C. It is my will and desire and I hereby direct that in the administration of my estate, my Independent Executrix or any successor shall not be required to furnish any bond of any kind and that no action shall be had in any court in the administration of my estate other than the probating of this, my Last Will and Testament, and the filing of any Inventory, Appraisement and

List of Claims of my estate that may be required.

VI.
POWERS OF EXECUTOR

The estate created or arising by virtue of my death and this instrument, my Last Will and Testament, shall be governed by and administered in accordance with the following provisions:

A. I hereby grant unto my Independent Executrix or any successor named above, full power and authority over any and all of my estate and they are hereby authorized to sell, manage, and dispose of the same or any part thereof, and in connection with any such sale or transaction, make, 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 Executrix or any successor named above, 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 Executrix or any successor named above, shall have full power and authority to deal with any person, firm, or corporation.

D. My Independent Executrix or any successor named above, shall have full power to borrow money at any time and in any amount from time to time for the benefit of my estate, from any person, firm, or corporation or from any bank or trust company and to secure the loan or loans by pledge, deed of trust, mortgage or other encumbrances on the assets of the estate and from time to time to renew such loans and give additional security.

E. As compensation for her services hereunder, my Independent Executrix or any successor named above shall be entitled to charge the same fees customarily charged for similar services in other estates at the time the services are rendered.

VII.
APPOINTMENT OF GUARDIANS

In the event that any child of mine is incapacitated, as defined in Section 601(14)(B), Texas Probate Code, or has not reached the age of eighteen (18) years at the date of my death, and my wife is not then alive, then in such event, I nominate and appoint MARIANA TERRY SIMMONS to act as Guardian of the person and the estate of said child or children. In the event that MARIANA TERRY SIMMONS shall be unable to serve as Guardian, I nominate and appoint my brother, WILLIAM C. TERRY, to act as the Guardian of the person and the estate of said child or children.

VIII.
WILLS NOT CONTRACTUAL

My spouse and I are executing Wills at approximately the same time in which each of us may be a primary beneficiary of the Will of the other. These Wills are not executed because of any agreement between my spouse and myself. Either Will may be revoked at any time in the sole discretion of the maker thereof.

IX.
DEFINITIONS AND INTERPRETATIONS

For purposes of interpretation of this, my Last Will and Testament, and the administration of the estate established herein, the following provisions shall apply:

A. The words "child, children, descendants, issue," and similar terms shall be deemed only to include children born to, or adopted (on or before eighteen years of age) in, a lawful marriage.

B. When a distribution is directed to be made to any person's descendants "per stirpes," the division into stirpes shall begin at the generation nearest to such person that has a living member.

C. The use of the masculine, feminine or neuter genders shall be interpreted to include the other genders, and the use of either the singular or the plural number shall be interpreted to include the other number, unless such an interpretation in a particular case is inconsistent with the general tenor of this instrument. Any references herein relating to my Independent Executrix shall include her successors regardless of the gender of the successors.

D. This Will shall be probated in accordance with the laws of Texas, and should any provisions of the same be held unenforceable or invalid for any reason, the unenforceability or invalidity of said provision shall not affect the enforceability or validity of any other part of this Will.

IN WITNESS WHEREOF, I, TIMOTHY CHARLES TERRY, hereby sign my name to this, my last Will, on this 24 day of July, 2002, at Bonham, Texas.


TIMOTHY CHARLES TERRY, Testator

ATTESTATION

The foregoing instrument was signed in our presence by TIMOTHY CHARLES TERRY and declared by him to be his last Will. We, at the request and in the presence of TIMOTHY CHARLES TERRY and in the presence of each other, have subscribed our names below as witnesses on this 24 day of July, 2002.

W M C Terry
Witness
402 N. Center
Street Address
Bonham, Tx - 75418
City and State

Carol J Terry
Witness
402 N. Center
Street Address
Bonham Tx 75418
City and State

SELF-PROVING AFFIDAVIT

STATE OF TEXAS

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COUNTY OF FANNIN

BEFORE ME, the undersigned authority, on this day personally appeared TIMOTHY CHARLES TERRY, Wm. C. Terry and Carol J. Terry, known to me to be the Testator and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and all of said persons being by me duly sworn, the said TIMOTHY CHARLES TERRY, Testator, declared to me and to the said witnesses in my presence that said instrument is his Last Will and Testament and that he had willingly made and executed it as his free act and deed; and the said witnesses, each on their oath stated to me, in the presence and hearing of the said Testator, that the said Testator had declared to them that said instrument is his Last Will and Testament, and that he executed same as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of the said Testator and at his request; that said Testator was at that time eighteen years of age or over (or being under such age, was or had been lawfully married, or was then a member of the armed forces of the United States or of an auxiliary thereof or of the Maritime Service) and was of sound mind; and that each of said witnesses was then at least fourteen years of age.

Timothy Charles Terry
TIMOTHY CHARLES TERRY, Testator

Wm C Terry
Witness

Carol J Terry
Witness

SUBSCRIBED AND SWORN TO BEFORE ME by the said TIMOTHY CHARLES TERRY, Testator, and by the said Wm C Terry and Carol J. Terry, Witnesses, this 24 day of July, A.D. 2002.

Dolores Smith
Notary Public, State of Texas

