

DIRECT EXAMINATION OF TOUPPER(FIELD(Applicant))

1. Please state your name for the court. **FIELD(Applicant)**.
2. Did **FIELD(Principal)** die on **FIELD(Date of Death)**, in **FIELD(City of Death)**, **FIELD(County of Death)** County, **FIELD(State of Death)**, at the age of **FIELD(Age)** years? **Yes IFNOTBLANK(AliasP)Was VARIABLE(vHeSheP) also known as FIELD(AliasP)? Ye sENDIF** What is your relationship to **VARIABLE(vHimHerP)**? **[RELATIONSHIP]**
3. Was your **[RELATION]** domiciled and had a fixed place of residence in this county at the time of **VARIABLE(vHisHerP)** death? **Yes**
4. Did **VARIABLE(vHeSheP)** leave a will dated **FIELD(Date of Will)**? **Yes [Request will from court / Show client copy of will.]** Is this that will / a true and correct copy of the will filed with the court? **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? **NoELSE** Are there debts owed by or real estate assets in the estate of your **[RELATION]**, which require that **VARIABLE(vHisHerP)** 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 IF(STRPOS(FIELD(AddressA);"Texas"))**Are you a resident of this state**ELSE** Have you appointed a resident agent to accept service of process in this state**ENDIF** ? **Yes** Is there any reason you would be *disqualified* to serve as Independent Executor? **No ENDIF**
10. **IFBLANK(Charities)**Was the State of Texas, any agency of the state, or any charitable organization named by the will as a devisee? **NoELSE** Were **FIELD(Charities)** named in the will as devisees? **YesENDIF**

* §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** filed in this case? **Yes** Is every statement in that application true? **Yes**