

No. 2023-PR03761-2

**IN THE ESTATE OF
LAURENE JANE TETER,
DECEASED**

**§ IN THE PROBATE COURT
§
§ NO. 2
§
§ TARRANT COUNTY, TEXAS**

**APPLICATION TO PROBATE WILL AND
FOR ISSUANCE OF LETTERS TESTAMENTARY**

TO THE HONORABLE JUDGE OF SAID COURT:

Julie Ann Elsey ("Applicant"), furnishes the following information to the Court in support of this Application for the probate of the Will of Laurene Jane Teter ("Decedent"), and for issuance of Letters Testamentary:

1. Applicant, Julie Ann Elsey, is an individual interested in this Estate, being domiciled in and residing in Texas. Julie Ann Elsey's address for service of citation is 401 E. Corporate Drive, Suite 100, Lewisville, Texas 75057. The last three digits of the social security number of Julie Ann Elsey are 412. The last three digits of the driver's license number of Julie Ann Elsey are 087.

2. Decedent died on December 15, 2023 at the age of 82 years. Decedent's domicile at the time of her death was 6304 Greencastle Court, Fort Worth, Tarrant County, Texas. The reason the Decedent's driver's license and social security numbers are not stated is as follows: presently unknown.

3. This Court has jurisdiction and venue is proper because Decedent's principal estate was in this County at the time of her death.

4. Decedent owned property described generally as real estate, cash, personal effects and household goods of a probable value in excess of \$100,000.00.

5. Decedent left a valid Will dated April 15, 2010, which was never revoked.

6. A true and correct copy of the Will is attached. The Will will be delivered to the County Clerk pursuant to the Texas Rules of Civil Procedure.

7. A necessity exists for the administration of the Estate.

8. No marriage of the Decedent was ever dissolved after the will was made.

9. Decedent's Will named Julie Ann Elsey to serve as Independent Executrix to act independently. Julie Ann Elsey resides in Denton County, Texas. Julie Ann Elsey has not been convicted of any felony or otherwise disqualified from serving as such or from accepting Letters Testamentary, and is entitled to such letters.

10. No state, governmental agency of the state, nor charitable organization is named by the Will as a devisee.

11. The Will was made self-proved in the manner prescribed by law and the subscribing witnesses to the Will are Vance Hendrix and Donna McPherson.

WHEREFORE, Applicant prays that citation issue as required by law to all persons interested in this Estate; that the Will be admitted to probate; that Letters Testamentary be issued to Julie Ann Elsey; and that all other Orders be entered as the Court may deem proper.

Respectfully submitted,

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LEWISVILLE, TX 75057
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By: 

Chad D. Elsey
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Attorney for Applicant

**LAST WILL AND TESTAMENT
OF
LAURENE JANE TETER**

I, LAURENE JANE TETER, of Tarrant County, Texas, make this my Last Will and Testament, and I revoke all Wills and Codicils previously made by me.

**ARTICLE I.
Identification**

A. **Husband.** My husband's name is BYRON KEITH TETER. All references in this Will to "my husband" are to him.

B. **Children.** I have two daughters, Julie Ann Elsey and Kristin June McCord. All references in this Will to "my daughters" are to them. In addition, all references in this Will to "my descendants" are to my daughters (as defined above) and to all of their descendants.

**ARTICLE II.
Specific Gifts**

A. **First Specific Bequest.** I give all my jewelry, watches and sporting goods equipment including golf clubs, hunting equipment, guns, fishing equipment and the like to Davis Scott Elsey and Memphis Jae Elsey, my grandsons; provided if Davis Scott Elsey and Memphis Jae Elsey fail to survive me, this gift shall lapse.

**ARTICLE III.
Residue**

I give all of the residue of my estate to my husband if he survives me. If my husband fails to survive me, I give all of the residue of my estate as follows:

- A. Julie Ann Elsey – 1/3rd share;
- B. Kristin June McCord – 1/3rd share; and
- C. Lindsey Renee Goutreaux – 1/3rd share.

If Julie Ann Elsey, Kristin June McCord or Lindsey Renee Goutreaux fail to survive me, then their individual 1/3rd portion of the residue shall be reapportioned to those alive at the time of my death.

If neither my wife nor any of those named in this section survive me, I give all of the residue of my estate to my heirs.

ARTICLE IV. **Contingent Trusts**

A. **Applicability.** Any share of my estate that is to be distributed to a person who is under the age of 25 or who is incapacitated (referred to herein as the "Beneficiary") shall be held by my Trustee as a separate trust for the benefit of such Beneficiary; provided, however, the provisions of this Article shall not apply to property distributed to my husband.

B. **Distributions.** My Trustee shall distribute to the Beneficiary of each trust such amounts of the income and principal of such trust as my Trustee, in my Trustee's absolute and uncontrolled discretion, deems desirable from time to time to provide for such Beneficiary's health, support, maintenance or education, directly and without the interposition of any guardian.

C. **Termination.** Each trust created by this Article for a Beneficiary who is under age 25 shall terminate when such Beneficiary attains that age. Each trust created by this Article for a person who is incapacitated shall terminate when the Beneficiary of such trust, in the absolute and uncontrolled discretion of my Trustee, is no longer incapacitated. Upon the termination of a trust created by this Article, the remaining property of such trust shall be distributed to the Beneficiary of such trust, but if a Beneficiary dies before the termination of such Beneficiary's trust, then upon such Beneficiary's death the remaining property of such trust shall be distributed to such Beneficiary's estate.

ARTICLE V.
Executor and Trustee Appointments

A. **Executor and Trustee.** I appoint my husband, Byron Keith Teter, to be Independent Executor of my Will and estate and Trustee of all trusts created by my Will. If Byron Keith Teter fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve, I appoint my daughter, Julie Ann Elsey, to be Independent Executrix of my Will and estate and Trustee of all trusts created by my Will. If Julie Ann Elsey fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve, I appoint American National Bank - Flower Mound to be Independent Executor of my Will and estate and Trustee of all trusts created by my Will.

B. **Bond; Independent Administration.** No bond or other security shall be required of my Executor or of my Trustee in any jurisdiction. No action shall be required in any court in relation to the settlement of my estate other than the probating and recording of my Will and the return of an inventory, appraisement and list of claims of my estate.

C. **Expenses and Compensation.** Every Executor and Trustee shall be reimbursed for the reasonable costs and expenses incurred in connection with such Executor's or such Trustee's duties. Every Executor and Trustee shall be entitled to fair and reasonable compensation for services rendered by such Executor or such Trustee in an amount not exceeding the customary and prevailing charges for services of a similar character at the time and place such services are performed.

D. **Ancillary Executors and Trustees.** If my estate or any trust created by this Will contains property located in another state or a foreign jurisdiction and my Executor or Trustee cannot or chooses not to serve under the laws thereof, my Executor or Trustee shall have the power to appoint an ancillary individual or corporate Executor or Trustee of such property.

E. **Multiple Executors and Trustees.** Unless another meaning is clearly indicated or required by context or circumstances, the term "Executor" or "Trustee" shall also mean and include all persons or entities who may at any time be serving and any Co-Executors, Co-Trustees, alternates, or successors. Except as otherwise specifically provided in this Will, if two or more Executors or Trustees are named or serving hereunder and any one or more, but not all, decline, fail or cease to serve for any reason, then the remaining Executor or Trustee, or Co-Executors or Co-Trustees, as the case may be, shall be appointed or continue to serve in such capacity. In all matters relating to my estate or to any trust created by my Will, the decision of a majority of the Executors or Trustees then serving shall control. Any writing signed by the persons whose decision shall control shall be valid and effective for all purposes as if signed by all such Executors or Trustees.

ARTICLE VI.
Executor and Trustee Powers

Each Executor and Trustee shall act independently and free from the control of any court as to my estate and as to every trust established under this Will (and as to all of the property of my estate and all of the property of every trust created under this Will), and shall have and possess all powers and authorities conferred upon trustees by law may conflict with the express provisions of this Will, in which case the express provisions of this Will shall control. In addition to such powers and authorities, each Executor and Trustee shall have and possess the following powers and authorities (each of which shall be exercisable in the discretion of such Executor or Trustee) with respect to my estate and every trust established hereunder, and the following provisions shall apply to my estate and every trust established under this Will:

(1) To retain, in the discretion of my Executor or Trustee, any property owned by me without regard to the duty to diversify investments under the law and without liability for any depreciation or loss occasioned by such retention;

(2) To exchange, sell or lease (including leases for terms exceeding the duration of all trusts created by this Will) for cash, property or credit, or to partition, publicly or privately, at such prices, on such terms, times and conditions and by instruments of such character and with such covenants as my Executor or Trustee deems proper, all or any part of the properties of my estate or any trust, and no vendee or lessee shall be required to look to the application of any funds paid to my Executor or Trustee;

(3) To borrow money from any source (including any Executor or Trustee) and to mortgage, pledge, or in any other manner encumber all or any part of the properties of my estate or any trust as may be advisable in the judgment of my Executor or Trustee for the advantageous administration of my estate or any trust;

(4) To make, in the discretion of my Executor or Trustee, any distribution required or permitted to be made to any beneficiary under this Will, or under any trust established by this Will, in any of the following ways when such beneficiary is a minor or is incapacitated: (i) to such beneficiary directly; (ii) to the guardian of such beneficiary's person or estate; (iii) by utilizing the same, directly and without the interposition of any guardian, for the health, support, maintenance, or education of such beneficiary; (iv) to a person or financial institution serving as custodian for such beneficiary under a uniform gifts to minors act or a uniform transfers to minors act of any state; (v) by reimbursing the person who is actually taking care of such beneficiary (even though such person is not the legal guardian) for expenditures made by such person for the benefit of such beneficiary; and (vi) by managing such

distribution as a separate fund on the beneficiary's behalf, subject to the beneficiary's continuing right to withdraw the distribution; and the written receipts of the persons receiving such distributions shall be full and complete acquittances to my Executor or Trustee;

(5) To make divisions, partitions, or distributions in money or in kind, or partly in each, whenever required or permitted to divide, partition, or distribute all or any part of my estate or of any trust; and, in making any such divisions, partitions, or distributions, the judgment of my Executor or Trustee in the selection and valuation of the assets to be so divided, partitioned, or distributed shall be binding and conclusive; and, further, my Executor shall be authorized to make distributions from my estate on a non-pro rata basis;

(6) To invest and reinvest the properties of my estate or of any trust in any kind of property whatsoever, real or personal (including oil, gas and other mineral leases, royalties, overriding royalties and other interests), whether or not productive of income and without regard to the proportion that such property or property of a similar character held may bear to my entire estate or to the entire trust, and to make loans to any beneficiary of any trust with adequate security and at an adequate interest rate; and

(7) To enter into any transaction on behalf of my estate or of any trust (including loans to beneficiaries for adequate security and adequate interest) despite the fact that another party to any such transaction may be (i) a trust of which any Executor or Trustee under this Will is also a trustee, including any trust established by this Will; (ii) an estate of which any Executor or Trustee under this Will is also an executor, personal representative or administrator, including my estate; (iii) a business or trust controlled by any Executor or Trustee under this Will or of which any such Executor or Trustee, or any director, officer or employee of any such corporate Executor or corporate Trustee is also a director, officer or employee; or (iv) any beneficiary, Trustee, or Executor under this Will acting individually.

ARTICLE VII.

Miscellaneous

A. **Spendthrift Provisions.** Each trust created by this Will shall be a spendthrift trust to the fullest extent allowed by law. Prior to the actual receipt of property by any beneficiary, no property (income or principal) distributable under this Will or under any trust created by this Will shall, voluntarily or involuntarily, be subject to anticipation or assignment by any beneficiary, or to attachment by or to the interference or control of any creditor or assignee of any beneficiary, or taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary, and any attempted transfer or encumbrance of any interest in such property by any beneficiary hereunder prior to distribution shall be void.

B. **Accounting.** Except as otherwise provided in this Section, all properties, books of account, and records of my estate and of each trust created by my Will shall be made available for inspection at all times during normal business hours by any beneficiary of my estate or such trust, or by any person designated by such beneficiary. Furthermore, except as otherwise provided in this Section, within 60 days of receiving a written request from a beneficiary of my estate or of a trust created by my Will, my Trustee shall furnish an accounting to such beneficiary. Any such accounting shall comply with the requirements of the law and shall be deemed correct and binding one year after receipt by the requesting beneficiary. Notwithstanding the foregoing, with regard to each beneficiary of a trust who is under 25 years of age, my Trustee shall be relieved of the duty to keep such beneficiary reasonably informed concerning the administration of such trust and the material facts necessary for such beneficiary to protect such beneficiary's interest, and my Trustee shall have no duty to respond to a demand for an accounting.

C. **Survivorship Provisions.** No person shall be deemed to have survived me if such person shall die within 30 days after my death; however, my Executor may make distributions from my estate within that period for the support of my husband and my daughters. Any person who is prohibited by law from inheriting property from me shall be treated as having failed to survive me.

D. **Wills Not Contractual.** My husband 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. Our Wills are not executed because of any agreement between the two of us. Either Will may be revoked at any time in the sole discretion of the maker thereof.

E. **Descendants.** References to "descendant" or "descendants" mean lineal blood descendants of the first, second or any other degree of the ancestor designated; provided, however, such references shall include, with respect to any provision of this Will, descendants who have been conceived at any specific point in time relevant to such provision and who thereafter survive birth;

and provided, further, an adopted child and such adopted child's lineal descendants by blood or adoption shall be considered under my Will as lineal blood descendants of the adopting parent or parents and of anyone who is by blood or adoption a lineal ancestor of the adopting parent or of either of the adopting parents.

F. **Incapacitated.** A beneficiary shall be deemed "incapacitated" if my Executor or Trustee, in my Executor's or Trustee's absolute and uncontrolled discretion, determines that such beneficiary lacks the ability, due to a physical or mental condition, to manage his or her own personal and financial affairs. My Executor or Trustee shall be deemed "incapacitated" if and for as long as (i) a court of competent jurisdiction has made a finding to that effect, (ii) a guardian or conservator of such Executor's or Trustee's estate or person has been appointed by a court of competent jurisdiction and is serving as such, or (iii) two physicians (licensed to practice medicine in the state where my Executor or Trustee is domiciled at the time of the certification, and one of whom shall be board certified in the specialty most closely associated with the cause of such Executor's or Trustee's incapacity) certify that due to a physical or mental condition my Executor or Trustee lacks the ability to manage his or her own personal and financial affairs. An incapacitated Executor or Trustee shall be deemed to have regained capacity if there is a finding to that effect by a court of competent jurisdiction or if two physicians (with the same qualifications described above) certify that the Executor or Trustee is capable of managing his or her personal and financial affairs.

G. **Heirs.** References to "heirs" are to those persons who would inherit separate personal property from the person designated under the statutes of descent and distribution of the State of Texas, if such person died intestate and single at such time.

H. **Governing Law.** The construction, validity and administration of each trust created under this Will shall be controlled by the laws of the State of Texas. My Trustee may designate the laws of another jurisdiction as the controlling law with respect to the administration of a particular trust if the primary beneficiary of such trust resides in such designated jurisdiction, in which case the laws of such designated jurisdiction shall apply to such trust as of the date specified in such designation. Any such designation shall be in writing and shall be delivered to each beneficiary of the affected trust.

I. **Per Stirpes.** When a distribution is to be made to a person's descendants "per stirpes," property shall be divided into as many equal shares as there are (i) living children of such person, if any, and (ii) deceased children who left descendants who survive such person. Each living child shall receive one share, and the share that would have passed to each deceased child shall be divided in a similar manner (by reapplying the preceding rule) among his or her descendants who survive such person. For example, if a person has deceased children and surviving children when a distribution is to be made, the assets will be divided into equal shares at the child level and

distributed per stirpes below that level; however, if the person has no surviving children at such time, that equal division will still be made at the child level and distributed per stirpes below that level. This definition is intended to override any conflicting or contrary common law definition.

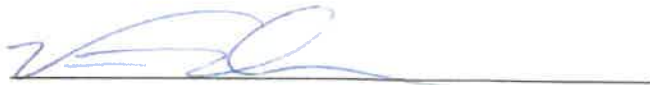
ARTICLE VIII.
No Contest Clause

If any beneficiary of my estate or of a trust created hereunder in any manner, directly or indirectly, contests the probate or validity of this Will or any of its provisions, or institutes or joins in, except as a party defendant, any proceeding to contest the probate or validity of this Will or to prevent any provision hereof from being carried out in accordance with the terms hereof, whether or not such proceedings are instituted in good faith or with probable cause, then all benefits provided for such beneficiary and such contesting beneficiary's descendants are revoked and shall pass as if that contesting beneficiary and such contesting beneficiary's descendants had failed to survive me. Each benefit conferred herein is made on the condition precedent that the beneficiary receiving such benefit shall accept and agree to all of the provisions of this Will or any trust created hereunder, and the provisions of this Article are an essential part of each and every benefit. My Executor or Trustee shall be reimbursed for the reasonable costs and expenses, including attorneys' fees, incurred in connection with the defense of any such contest. Such reimbursement shall be made from my estate if the contest involves my estate, or from the affected trust if the contest involves a trust.

IN TESTIMONY WHEREOF, and in the presence of two Witnesses, who are acting as witnesses at my request, in my presence and in the presence of each other, I hereunto sign my name, on the 15 day of April, in the year 2010.


LAURENE JANE TETER, Testatrix

The foregoing instrument was signed by the Testatrix in our presence and declared by her to be her Last Will and Testament, and we, the undersigned Witnesses, sign our names hereunto as witnesses at the request and in the presence of the Testatrix, and in the presence of each other, on the 15 day of April, in the year 2010.



Witness Signature

3212 Long Prairie, Suite 200

Street Address

Flower Mound, TX 75022

City, State and Zip Code



Witness Signature

3212 Long Prairie Rd #200

Street Address

Flower Mound, TX 75022

City, State and Zip Code

SELF-PROVING AFFIDAVIT

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared LAURENE JANE TETER, Vance Hendrix and Donna McPherson, known to me to be the Testatrix and the Witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of such persons being by me duly sworn, the Testatrix declared to me and to the Witnesses in my presence that such instrument is her last will and testament, and that she had willingly made and executed it as her free act and deed; and the Witnesses, each on his or her oath stated to me, in the presence and hearing of the Testatrix, that the Testatrix had declared to them that such instrument is her last will and testament, and that she 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 Testatrix and at her request; that she was at that time 18 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 the Witnesses was then at least 14 years of age.

Laurene Jane Teter
LAURENE JANE TETER, Testatrix

Witness Signature

Donna McPherson
Witness Signature

SUBSCRIBED AND SWORN TO before me by LAURENE JANE TETER, Testatrix, and by Vance Hendrix and Donna McPherson, Witnesses, on the 15 day of April, in the year 2010.

Tracy Jo Jones
Notary Public, State of Texas



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William Neal on behalf of Chad Davis Elsey

Bar No. 24048450

wfn@ntfamlaw.com

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Filing Code Description: Application in an Existing Estate

Filing Description:

Status as of 1/2/2024 8:03 AM CST

Associated Case Party: JulieAnnElsey

Name	BarNumber	Email	TimestampSubmitted	Status
Kacey Franklin		kf@ntfamlaw.com	12/29/2023 1:57:11 PM	SENT
Chad D.Elsey		cde@ntfamlaw.com	12/29/2023 1:57:11 PM	SENT