

5210 04186

143948

STNT/02102102/442/KR

**AFFIDAVIT OF HEIRSHIP**

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

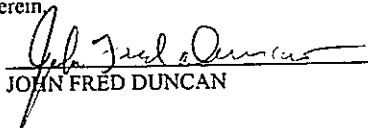
COUNTY OF DENTON

§

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiants, who, first duly sworn upon their oath did state:

1. "Our names are [REDACTED] and [REDACTED]. We are over the age of eighteen years and are otherwise competent to make this Affidavit. We are familiar with the marital and familial history of Elizabeth Fickling Cobb (hereinafter referred to as "Decedent"), and have personal knowledge of all of the facts contained within this Affidavit. We are not related to Decedent. Each of us has known the Decedent as a family friend.
2. Decedent died in Denton County, Texas, on August 10, 2002 at the age of [REDACTED] years.
3. There has been no administration of the Estate of Decedent nor is any administration necessary. Decedent left a written Will, but said Will has not been probated.
4. There are no unpaid estate or inheritance taxes due, except: None.
5. To the best of my knowledge the Decedent left the following debts: None.
6. [REDACTED] was married once and one in her life. Deceased was married to [REDACTED] on September 20, 1956 and was married to him at the time of her death.
7. List all children and/or heirs of the Decedent: There was one child born named [REDACTED] Hubert Cobb; DOB 01/07/38; Address: 210 [REDACTED]

Affiants make this Affidavit with full knowledge that it will be relied upon by various entities as to the truth of the matters stated herein.

  
JOHN FRED DUNCAN

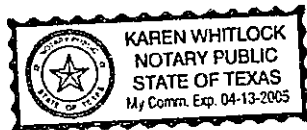
STATE OF TEXAS

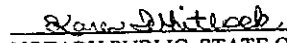
§

COUNTY OF Denton

§

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 1st day of November, 2002, to certify which witness my hand and seal of office.



  
NOTARY PUBLIC, STATE OF TEXAS

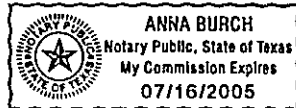
5210 04187

Lloyd W. Darnell  
LLOYD W. DARNELL

STATE OF TEXAS §

COUNTY OF Denton §

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 4th day of November ~~October~~, 2002, to certify which witness my hand and seal of office.



Anna Burch  
NOTARY PUBLIC, STATE OF TEXAS

After Recording, return to:

512 Magnolia  
Denton, TX 76201

5210 04188

AFFIDAVIT

STATE OF TEXAS §  
COUNTY OF Denton §

BEFORE ME, the undersigned, a Notary Public in and for said County, State of Texas, on this day personally appeared MARVIN H. COBB to me well known, and who, after being by me duly sworn, deposes and says that she is over the age of eighteen years, and is to testify and the following facts are true and correct and within her personal knowledge:

All debts, federal estate, and state inheritance taxes, if any, owing on the Estate of Elizabeth Fickling Cobb, Deceased, have been paid, or will be paid, and the undersigned does hereby confirm that the Estate has sufficient assets in order to pay such taxes. The undersigned does hereby acknowledge that STEWART TITLE NORTH TEXAS, INC. and/or STEWART TITLE GUARANTY COMPANY are relying on this statement as a condition precedent to its issuing a policy of title insurance on the real property described as follows:

See Exhibit "A" attached hereto and made a part hereof for all purposes.

The undersigned does hereby agree to indemnify and save and hold Stewart Title North Texas, Inc. and/or STEWART TITLE GUARANTY COMPANY harmless from any and all claims that may arise in connection with unpaid debts against said estate including, but not limited to, court costs and attorney's fees.

Marvin H. Cobb  
MARVIN H. COBB

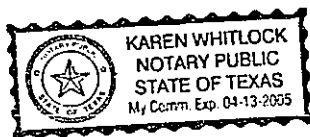
SUBSCRIBED AND SWORN TO BEFORE ME, this 4th day of November, 2002.

Karen Whitlock  
Notary Public, State of Texas

STATE OF TEXAS §  
COUNTY OF Denton §

This instrument was acknowledged before me on the 4th day of November, 2002, by Marvin H. Cobb.

Karen Whitlock  
Notary Public, State of Texas



COPY

5210 04189

LAST WILL AND TESTAMENT

I, **ELIZABETH F. COBB**, of Denton 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 **MARVIN HUBERT COBB**. All references in this Will to "my husband" are to him.

B. **Children.** I have one child, **JAMES HUBERT COBB**. All references in this Will to "my child" are to him.

**ARTICLE II.**

Memorandum

I request that the beneficiaries of my estate and my Executor honor the provisions of any memorandum written by me (which is not to be a part of this Will) directing the disposition of any portion of my personal and household effects.

**ARTICLE III.**

Beneficiaries

I give all of my estate to my husband if he survives me; provided, however, if my husband fails to survive me, I give all of my estate to my son **JAMES HUBERT COBB**. If my son fails to survive me then, and only in such event, I give all of my estate to my descendants who survive me per stirpes; and provided, further, if neither my wife nor any descendant of mine survives me, I give all of my estate to my heirs.

**ARTICLE IV.**

Fiduciary Appointments

A. **Executor.** I appoint my son **JAMES HUBERT COBB** to be Independent Executrix of my Will and estate.

B. **Bond; Independent Administration.** No bond or other security shall be required

EJC

5210 04190

of my Executor 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, appraisal and list of claims of my estate.

C. Expenses: Compensation. Every Executor shall be reimbursed for the reasonable costs and expenses incurred in connection with such Executor's duties. Each Executor shall be entitled to receive reasonable compensation for services rendered 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. If my estate or any trust created by this Will contains property located in another state or a foreign jurisdiction and my Executor cannot or chooses not to serve under the laws thereof, my Executor shall have the power to appoint an ancillary individual or corporate Executor of such property.

E. Executor Defined. Unless another meaning is clearly indicated or required by context or circumstances, the term "Executor" shall also mean and include all persons or entities who may at any time be serving and any alternates or successors. Except as otherwise specifically provided in this Will, if two or more Executors 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 Executors, as the case may be, shall be appointed or continue to serve in such capacity. In all matters relating to my estate, the decision of a majority of the Executors 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.

#### ARTICLE V.

##### Fiduciary Provisions

Any Executor shall act free from control by any court and shall have all of the powers conferred upon trustees by the Texas Trust Code, and by any future amendments to the Texas Trust Code or any corresponding statute, except for any instance in which the Texas Trust Code or such other statutory provisions may conflict with the express provisions of this Will, in which case the provisions of this Will shall control. In addition to such powers, any Executor serving hereunder is specifically authorized:

(a) To retain, in the discretion of my Executor, any properties owned by me, without liability for any depreciation or loss occasioned by such retention;

(b) To exchange, sell or lease (including leases for terms exceeding the

E.F.C.

5210 04191

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 deems proper, all or any part of the properties of my estate, and no vendee or lessee shall be required to look to the application of any funds paid to my Executor;

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

(d) To invest and reinvest the properties of my estate 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; and

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

#### ARTICLE VI.

##### Miscellaneous

A. Spendthrift Provisions. Prior to the actual receipt of such property by any beneficiary, no property (income or principal) distributable under 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. 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.

C. Payment of Debts. I direct that all of my legal debts, funeral and testamentary expenses, costs and expenses of administration of my estate, and all estate, inheritance, transfer and

EJC

5210 04192

succession taxes (Federal, State and others) upon or with respect to any property required to be included in my gross estate under the provisions of any law, and whether or not passing hereunder, shall be paid as soon after my death as in the opinion of my Executor is practical and advisable. If at the time of my death any of my real property is subject to a mortgage, I direct that the devisee taking such mortgaged property shall take it subject to such mortgage and that such person shall not be entitled to have the obligation secured thereby paid out of my general estate. My Executor is specifically given the right to renew, refinance and extend, in any form that my Executor deems best, any secured or unsecured debt or charge existing at the time of my death. Under no circumstances shall my Executor be required to prepay any debt of mine.

**D. 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, except as hereinafter provided in this Section, 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, except that any person who is adopted after reaching the age of fourteen and any person who is a lineal descendant (whether by blood or adoption) of such person who is adopted after reaching the age of fourteen shall specifically not be included in the definition of "descendant" or "descendants" under my Will.

**E. 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 Texas, if such person died intestate and single at such time.

IN TESTIMONY WHEREOF, I have placed my initials on each of the foregoing pages of this, my LAST WILL AND TESTAMENT, 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 May 24, 2002.

*Elizabeth F. Cobb*  
ELIZABETH F. COBB, Testatrix

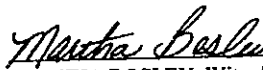
*ee*

5210 04193

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 May 24, 2002.

  
GREG MONROE, Witness

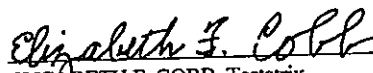
Address:  
218 N. Elm Street, Denton, Texas 76201

  
MARTHA BOSLEY, Witness

Address:  
218 N. Elm Street, Denton, Texas 76201

THE STATE OF TEXAS           §  
  §  
COUNTY OF DENTON           §

BEFORE ME, the undersigned authority, on this day personally appeared ELIZABETH F. COBB, GREG MONROE and MARTHA BOSLEY 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 Marine Service) and was of sound mind; and that each of the Witnesses was then at least 14 years of age.

  
ELIZABETH F. COBB, Testatrix





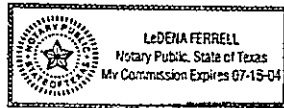
5210 04194

*Greg Monroe*  
GREG MONROE, Witness

*Martha Bosley*  
MARTHA BOSLEY, Witness

SUBSCRIBED AND SWORN TO before me by ELIZABETH F. COBB, Testatrix, and by  
GREG MONROE and MARTHA BOSLEY, Witnesses, on May 24, 2002.

*LeDena Ferrell*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



CFC

# CERTIFICATION OF VITAL RECORD

## COUNTY OF DENTON

STATE OF TEXAS

CERTIFICATE OF DEATH

STATE FILE NUMBER 43-121

1. NAME OF DECEASED (a) FIRST Elizabeth (b) MIDDLE F. (c) LAST Cobb (d) Maiden Fickling		2. SEX Female		3. DATE OF DEATH Aug 10, 2002	
4. DATE OF BIRTH February 06, 1918		5. AGE (IN YEARS) 84		6. BIRTHPLACE (CITY & STATE OR FOREIGN COUNTRY) San Antonio, TX	
7. RACE Caucasian		8. WAS THE DECEASED EVER IN U.S. ARMED FORCES? YES		9. SOCIAL SECURITY NO 462-32-4768	
10. MARITAL STATUS NEVER MARRIED		11. SURVIVING SPOUSE (IF WIFE, GIVE MAIDEN NAME) Marvin H. Cobb		12. DECEASED'S USUAL OCCUPATION Co-Owner	
13. RESIDENCE STREET ADDRESS 512 Magnolia		14. CITY OR TOWN Denton		15. RESIDE CITY STATE ZIP CODE 76201	
16. FATHER'S NAME E. P. Fickling		17. MOTHER'S MAIDEN NAME Elizabeth Scott		18. PLACE OF DEATH (CHECK ONLY ONE) RESIDENCE	
19. COUNTY OF DEATH Denton		20. CITY OR TOWN (IF OUTSIDE CITY LIMITS, GIVE PRECINCT NO) 512 Magnolia		21. NAME OF HOSPITAL OR INSTITUTION (If not in institution, show street address)	
22. INFORMANT (NAME & RELATIONSHIP) Marvin H. Cobb Husband		23. MAILING ADDRESS OF INFORMANT 512 Magnolia, Denton, TX 76201		24. NAME & ADDRESS OF FUNERAL HOME Mulkey-Mason/Jack Schmitz & Son	
25. METHOD OF DISPOSITION BURIAL		26. LOCATION (CITY, STATE) Denton, TX		27. DATE OF DISPOSITION 08/13/2002	
28. SIGNATURE OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH Dean Mulkey DL5524		29. DATE OF DEATH 08/10/2002		30. TIME OF DEATH 6:36 A.M.	
31. CERTIFYING PHYSICIAN TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE TIME, DATE, AND PLACE, AND DUE TO THE CAUSE(S) AND MANNER AS STATED					
32. SIGNATURE & TITLE OF CERTIFIER Michael Spivey, M.D.					
33. PART 1: ENTER THE DISEASE, INJURY OR COMPLICATION THAT CAUSED THE DEATH. DO NOT ENTER THE MODE OF DYING SUCH AS CARDIAC OR RESPIRATORY ARREST, SHOCK, OR HEART FAILURE, JUST ONLY ONE CAUSE ON EACH LINE.					
34. IMMEDIATE CAUSE (Final disease or condition resulting in death) Metastatic Breast Cancer					
35. DUE TO (OR AS A LIKELY CONSEQUENCE OF) 10 months					
36. DUE TO (OR AS A LIKELY CONSEQUENCE OF)					
37. DUE TO (OR AS A LIKELY CONSEQUENCE OF)					
38. PART 2: OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN PART 1 (e.g., substance abuse, diabetes, smoking, etc.)					
39. MANNER OF DEATH NATURAL					
40. DATE OF INJURY					
41. TIME OF INJURY					
42. PLACE OF INJURY (AT HOME, FARM, STREET, FACTORY, OFFICE, ETC. (SPECIFY))					
43. SIGNATURE OF LOCAL REGISTRAR Cynthia Mitchell Deputy					
44. DATE RECEIVED BY LOCAL REGISTRAR AUG 16 2002					
45. REGISTRAR FILE NO 030495					

D13875

This is a true and exact reproduction of the document officially registered and placed on file in the vital records of Denton County, Texas

ISSUED AUG 16 2002

WARNING: IT IS ILLEGAL TO DUPLICATE THIS COPY.



Cynthia Mitchell  
County Clerk  
Denton County, Texas



5210 04196

Filed for Record in:  
DENTON COUNTY, TX  
CYNTHIA MITCHELL, COUNTY CLERK

On Nov 08 2002  
At 1:34pm

Receipt #: 63784  
Recording: 23.00  
Doc/Mgt: 6.00  
Doc/Num: 2002-R0143948  
Doc/Type: AFH  
Deputy -Jennifer