

CAUSE NO. \_\_\_\_\_

IN THE ESTATE

OF

\_\_\_\_\_

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IN THE COUNTY COURT

AT LAW NO. 2 OF

HUNT COUNTY, TEXAS

**AFFIDAVIT WAIVING CITATION AND WAIVING OBJECTION  
FOR PROBATE OF A WILL  
MORE THAN FOUR YEARS AFTER THE DECEDENT'S DEATH**

STATE OF \_\_\_\_\_ §

COUNTY OF \_\_\_\_\_ §

I, \_\_\_\_\_, am an heir or devisee (beneficiary) of \_\_\_\_\_, the "Decedent" in this case.

I have been given (1) a copy of the *Application for Probate of a Will More than Four Years after the Decedent's Death* that has been filed in this case and (2) a copy of the will dated \_\_\_\_\_ that the applicant is seeking to have probated.

I understand that in this case, an application has been filed in Decedent's estate to probate a will more than four years after the Decedent died.

I understand the following:

1. The testator's property will pass to the testator's heirs if the will is not admitted to probate. (Or if this will is not admitted to probate but another will of Decedent has already been admitted to probate, Decedent's property will pass to the beneficiaries in that previously probated will.)
2. The person offering the testator's will for probate may not be in default for failing to present the will for probate during the four-year period immediately following the testator's death.

I understand that the Court will not grant the application to probate the will in this case unless the applicant offers enough evidence to prove he was not in default for failing to probate the will sooner.

I understand that as one of Decedent's heirs – or as one of the people who is named as a beneficiary in Decedent's will that has already been probated – my rights to inherit property may be affected if the will dated \_\_\_\_\_ is probated.

Although I understand I have a right to object to the probate of a will more than four years after Decedent's death, I do not object to the probate of the will.

I know that the person who sent me this affidavit (along with a copy of the application and the will) is the applicant's attorney. And I know that the applicant's attorney does not represent me in this matter. I am aware that before I sign this affidavit waiving citation and waiving objection, I may consult my own attorney to advise me regarding this estate or the affidavit.

By signing this affidavit waiving citation and waiving objection, I enter my appearance in this case for all purposes, and I waive the issuance and service of process. I agree that the case may be considered by the Court without further notice to me.

I have signed this affidavit voluntarily, without fraud, duress, or threat by any person.

SIGNED AND SWORN to on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME BY \_\_\_\_\_  
on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SEAL:

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_