

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

IN THE ESTATE  
OF

§ IN THE COUNTY COURTS  
§  
§ AT LAW NO. 2 OF  
§  
§ HUNT COUNTY, TEXAS

**ORDER TO SHOW CAUSE ON REMOVAL OF INDEPENDENT EXECUTOR / ADMINISTRATOR**

On this day, the Court, on its own motion, **ORDERS** \_\_\_\_\_ the Independent Administrator / Executor in the above matter to appear before this Court on \_\_\_\_\_ at \_\_\_\_\_ and show cause why he/she should not be removed as Independent Executor / Administrator for the reasons set forth herein:

**A. Pursuant to §404.003**

- 1. The independent executor cannot be served with notice or other process because: (a) the independent executor's whereabouts are unknown; (b) the independent executor is eluding service; or (c) the independent executor is a nonresident of this state without a designated resident agent; or
- 2. Sufficient grounds appear to support a belief that the independent executor has misapplied or embezzled, or is about to misapply or embezzle, all or part of the property committed to the independent executor's care.

**B. Pursuant to §404.0035(a)**

- 1. Neglects to qualify in the manner and time required by law;
- 2. Fails to return, before the 91<sup>st</sup> day after the date the independent executor qualifies, either an inventory of the estate property and a list of claims that have come to the independent executor's knowledge or an affidavit in lieu of the inventory, appraisal, and list of claims, unless that deadline has been extended by court order; or
- 3. Fails to timely file the affidavit or certification required by Section 308.004.

**C. Pursuant to §404.0035(b)**

- 1. The independent executor fails to make an accounting which is required by law to be made;
- 2. The independent executor is proved to have been guilty of gross misconduct or gross mismanagement in the performance of the independent's executor's duties.
- 3. The independent executor becomes an incapacitated person, or is sentenced to the penitentiary, or from any other cause becomes legally incapacitated from properly performing the independent executor's fiduciary duties; or
- 4. The independent executor becomes incapable of properly performing the independent executor's fiduciary duties due to a material conflict of interest.

**IT IS THEREFORE ORDERED, ADJUDGED and DECREED** by the Court that the Clerk of this Court is hereby directed to issue notice by:  personal service pursuant to §51.051 of the Texas Estates Code on the Independent Administrator / Executor and/or  a qualified delivery method to the last known address of both (1) the Independent Administrator / Executor and (2) the Attorney of Record for the Independent Administrator / Executor to appear before this Court on \_\_\_\_\_ at \_\_\_\_\_ and show cause as to why the Independent Administrator / Executor should not be removed.

**SIGNED ON** \_\_\_\_\_.

\_\_\_\_\_  
**JUDGE PRESIDING**