

JENNIFER LINDENZWEIG
CLERK OF COURT
P.O. Box 1316
GREENVILLE, TEXAS 75403

Attorney or Person filing cause
AMY M LORENZ
JIM ROSS LAW GROUP PC
2221 E LAMAR BLVD SUITE 800
ARILINGTON TEXAS 76006

COUNTY CLERK, HUNT CO., TX
20 APR 29 AM 11:24

BY: Valerie Bradley
DEPUTY

PROBATE NO. 18849

**CITATION ON APPLICATION TO PROBATE WILL AS MUNIMENT OF TITLE
THE STATE OF TEXAS**

To any Sheriff or any Constable within the State of Texas -- GREETING:

YOU ARE HEREBY COMMANDED to cause to be posted for not less than TEN DAYS, exclusive of the day of posting, before the return day hereof, at the County Courthouse where public notices customarily are posted, a copy of the following notice:

**THE STATE OF TEXAS: TO ALL PERSONS INTERESTED IN THE ESTATE OF
ANTHONY CARMEN CUCINIELLO, SR., DECEASED 18849**

GINA M. CUCINIELLO has filed in the County Court at Law #1 of Hunt County, an application for probate as a MUNIMENT OF TITLE for **ANTHONY CARMEN CUCINIELLO, SR., DECEASED**.

Said application may be heard and acted on by said Court at 10:00 o'clock A.M., on the first Monday after the expiration of ten days from date of posting this citation, the same being on this the 11th day of May, 2020 at the County Courthouse in Greenville, Texas.

All persons interested in said estate are hereby cited to appear before said Honorable Court at said above mentioned time and place by filing a written answer contesting such application should they desire to do so.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office, in Greenville, Texas, this on this the 27th day of April, 2020



JENNIFER LINDENZWEIG
HUNT COUNTY CLERK
GREENVILLE, TEXAS

BY: Valerie Bradley, Deputy
Melissa Young/Valerie Bradley

SHERIFF'S RETURN

Came to hand on 29 April 2020 at 11 o'clock A.M., and executed on 29 April 2020, by posting a copy of the within citation for ten days, exclusive of the day of posting, before the return day hereof, at the County Courthouse door of Hunt County, Texas, or at the place in or near the said courthouse where public notices customarily are posted, that is, from 29 April 2020, through 11 May 2020 inclusive.

RANDY MEEKS, SHERIFF
HUNT COUNTY, TEXAS

BY: Randy M. Meeks, Deputy

No. 18849

IN THE ESTATE OF

ANTHONY CARMEN CUCINIELLO,
SR.,

DECEASED

IN COUNTY COURT AT LAW

§ _____ OF

Hunt County - County Court at Law 1

§ HUNT COUNTY, TEXAS

APPLICATION FOR PROBATE OF WILL
AS MUNIMENT OF TITLE

TO THE HONORABLE JUDGE OF SAID COURT:

Gina M. Cuciniello ("Applicant"), furnishes the following information to the Court in support of this application for the probate of the Will of Anthony Carmen Cuciniello, Sr. ("Decedent") as a Muniment of Title:

1. Gina M. Cuciniello, Applicant, is an individual interested in this Estate, and is domiciled in and residing in Texas. Gina M. Cuciniello's address for service of citation is 9655 Silvey Street, Quinlan, Hunt County, Texas 75474. The last three digits of the social security number of Gina M. Cuciniello are 579. The last three digits of the driver's license number of Gina M. Cuciniello are 231.

2. Decedent died on January 12, 2020 at Hunt Regional Medical Center, Hunt County, Texas, at the age of 92 years. Decedent's domicile at the time of his death was 9655 Silvey Street, Quinlan, Hunt County, Texas 75474. The last three digits of the social security number of Decedent are 830. The last three digits of the driver's license number of Decedent are 020.

3. This Court has jurisdiction and venue because Decedent was domiciled in Texas and had a fixed place of residence in this County on the date of his death.

4. At the time of Decedent's death, Decedent owned real property in the State of Texas and personal property, generally described as real estate, cash, personal effects and household goods, with a probable value in excess of \$20,000.00.

5. Decedent did not apply for and receive Medicaid benefits on or after March 1, 2005.

6. Decedent left a valid Will dated November 2, 2018, which was never revoked and is filed herewith.

7. The Will was self-proved in the manner prescribed by law.

8. The subscribing witnesses to the Will are as follows:

Witness: Charlene Pearson

Witness: Judith Jacques

9. The Will named Gina Cuciniello as Independent Executor, whose residence address is 9655 Silvey Street, Quinlan, Hunt County, Texas 75474.

10. No children were born to or adopted by Decedent after the date of the Will.

11. No marriage of the Decedent was ever dissolved after the Will was made.

12. Neither the state, a governmental agency of the state, nor a charitable organization is named by the Will as a devisee.

13. Applicant has investigated the affairs of the Decedent and finds that to the best of Applicant's knowledge and belief, there are no unpaid debts owing by the Estate of the Decedent, exclusive of any debt secured by liens on real estate, and there is no necessity for administration on such Estate.

WHEREFORE, Applicant prays that citation issue as required by law to all persons

interested in this Estate; that the Will be admitted to probate as a Muniment of Title only; that the requirement for the filing of an Affidavit of Fulfillment of Terms of Will be waived; and that all other Orders be entered as the Court may deem proper.

Respectfully submitted,

/s/ Amy M. Lorenz
Amy M. Lorenz
State Bar No.: 24073712

JIM ROSS LAW GROUP, P.C.
2221 E. Lamar Blvd.
Suite 800
Arlington, Texas 76006
Telephone: (817) 275-4100
Facsimile: (817) 275-4106
E-mail: litigation@jimrosslaw.com

Attorney for Gina M. Cuciniello

18849

**LAST WILL AND TESTAMENT
OF
ANTHONY C. CUCINIELLO, SR.**

Prepared by:

**JIM ROSS LAW GROUP, P.C.
2221 E. Lamar Blvd.
Suite 800
Arlington, Texas 76006**

**Telephone: 817.275.4100
Facsimile: 817.275.4106**

LAST WILL AND TESTAMENT
OF
ANTHONY C. CUCINIELLO, SR.

I, ANTHONY C. CUCINIELLO, SR., of Hunt County, Texas, make this my Last Will and Testament, and I revoke all Wills and Codicils previously made by me.

ARTICLE I.
Identification

- A. Marital Status. I am not currently married.
- B. Children. I have three living children, Anthony C. Cuciniello, Jr., Gina M. Cuciniello and Franklin K. Pearce. I have one deceased son, Steven S. Pearce. There are no living descendants of my deceased son. All references in this Will to "my children" are to Anthony C. Cuciniello, Jr., Gina M. Cuciniello, and Franklin K. Pearce.
- C. Grandchildren. I have two living grandchildren, Carmen Cuciniello and Eric Pearce. All references in this Will to "my grandchildren" are to Carmen Cuciniello and Eric Pearce.

ARTICLE II.
Memorandum

I request that the beneficiaries of my estate and my Executor honor the provisions of any memorandum written by me directing the disposition of any portion of my personal and household effects.

ARTICLE III.
Specific Bequests

- A. Tangible Personal Property. All of my interest in any motor vehicles, boats and personal watercraft, household goods, appliances, furniture and furnishings, pictures, silverware, china, glass, books, clothing, jewelry or other articles of personal use or ornament, and other personal effects of a nature, use or classification similar to the foregoing, except as may be provided in a memorandum authorized by Article II, shall be distributed in the same manner as the residue of my estate, with such property to be divided and allocated as such beneficiaries may agree, or if they cannot agree, as my Executor shall decide. If any beneficiary hereunder is a

minor, my Executor may distribute such minor's share to such minor or for such minor's use to any person with whom such minor is residing or who has the care or control of such minor without further responsibility, and the receipt of the person to whom such minor's share is distributed shall be a complete discharge of my Executor. The cost of packing and shipping such property to any such beneficiary shall be charged against my estate as an expense of administration.

B. First Additional Specific Bequest. I give the sum of three thousand dollars (\$3,000.00) in cash (or other property of equivalent fair market value) to Franklin K. Pearce; provided, however, if Franklin K. Pearce fails to survive me, this gift shall lapse. This gift shall not bear interest from the date of my death until paid.

C. Second Additional Specific Bequest. I give the sum of five thousand dollars (\$5,000.00) in cash (or other property of equivalent fair market value) to Carmen Cuciniello; provided, however, if Carmen Cuciniello fails to survive me, this gift shall instead pass to the descendants of Carmen Cuciniello who survive me per stirpes; provided, further, if no descendant of Carmen Cuciniello survives me, this gift shall lapse. This gift shall not bear interest from the date of my death until paid.

D. Third Additional Specific Bequest. I give the sum of three thousand dollars (\$3,000.00) in cash (or other property of equivalent fair market value) to Eric Pearce; provided, however, if Eric Pearce fails to survive me, this gift shall instead pass to the descendants of Eric Pearce who survive me per stirpes; provided, further, if no descendant of Eric Pearce survives me, this gift shall lapse. This gift shall not bear interest from the date of my death until paid.

ARTICLE IV.

Residue

All of the residue of my estate shall be distributed to the following beneficiaries in equal shares:

1. Anthony C. Cuciniello, Jr.; provided, however, if he fails to survive me, this share of the residue of my estate shall be distributed to his descendants who survive me per stirpes, or if no such descendant survives me, this share of the residue of my estate shall be distributed in the same manner as the share passing in Section 2 of this Article.
2. Gina M. Cuciniello; provided, however, if she fails to survive me, this share of the residue of my estate shall be distributed to her descendants who survive me per stirpes, or if no such descendant survives me, this share of the residue of my estate shall be distributed in the same manner as the share passing in Section 1 of

this Article.

If all of the beneficiaries listed above fail to survive me, then I give all of the residue of my estate to my heirs.

ARTICLE V.
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. Alternatively, my Trustee, in my Trustee's discretion, may hold such property as custodian under the uniform transfers to minors act of any state, as it is my intention to ensure maximum flexibility in the administration of such property.

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 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 or conservator.

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 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 VI.
Executor and Trustee Appointments

A. Executor and Trustee. I appoint my daughter, Gina M. Cuciniello, to be Independent Executrix of my Will and estate and Trustee of all trusts created by my Will. If Gina M. Cuciniello fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve, I appoint my son, Anthony C. Cuciniello, Jr., to be Independent Executor of my Will and estate and Trustee of all trusts created by my Will.

B. Bond; Independent Administration. To the extent permissible by law, no bond, surety, 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, if required by law, the return of an inventory, appraisement, and list of claims of my estate. An affidavit in lieu of inventory may be substituted for an inventory, appraisement, and list of claims if permitted by law.

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.

I direct that my daughter, Gina Cuciniello, be reimbursed for any and all expenses that she incurred with regard to any probate procedure or litigation for the Estate of Steven Scott Pearce or the cause of action numbers 2015-PR00490-2-A in Probate Court Number two in Tarrant County, Texas and/or 3:12-cv-01598-O in United States District Court Northern District of Texas Dallas Division.

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 any Co-Executors, Co-Trustees, alternates, or successors. Except as otherwise specifically provided in this Will, if Co-Executors or Co-Trustees are designated to serve hereunder or if Co-Executors or Co-Trustees are already serving, and one such Co-Executor or Co-Trustee declines to serve, fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve for any reason, then the remaining Executor or Trustee, or Co-Executors or Co-Trustees, as the case may be, shall serve or continue to serve in such capacity.

F. Actions by Co-Executors and Co-Trustees. When multiple Executors or Trustees are serving, each such Executor or Trustee shall have the authority to act alone and independently of the other Executors or Trustees then serving, without the necessity of consultation with or approval of any other Co-Executor or Co-Trustee. Any writing signed by a Co-Executor or Co-Trustee with the authority to act alone and independently shall be valid and effective for all purposes as if signed by all such Executors or Trustees.

ARTICLE VII.
Executor and Trustee Powers

Each Executor and Trustee shall, to the extent permitted by law, 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). Each Executor and Trustee shall have and possess all powers and authorities conferred by statute or common law in any jurisdiction in which such Executor and Trustee may act, including all powers and authorities conferred by the Texas Estates Code and the Texas Trust Code, and by any future amendments thereto, except for any instance in which such powers and authorities 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 laws governing my estate or a trust created hereunder 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, specifically including the power to sell and convey real property and the power to execute deeds with regard to any such sale or conveyance, 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 or conservator of such beneficiary's person or estate; (iii) by applying the required or permitted distribution for the benefit of such beneficiary; (iv) to a person or financial institution serving as custodian for such beneficiary under a uniform transfers to minors act of any state; (v) by reimbursing or advancing funds to the person who is actually taking care of such beneficiary (even though such person is not the legal guardian or conservator) for expenditures made or to be 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 access, control, use, cancel, deactivate, or delete my Digital Accounts and Digital Assets, and to access, control, use, deactivate, or dispose of my Digital Devices. "Digital Accounts" are electronic systems for creating, generating, sending, sharing, communicating, receiving, storing, displaying, or processing information which provides access to a Digital Asset which is stored on any type of Digital Device, regardless of the ownership of the Digital Device upon which the Digital Asset is stored. "Digital Assets" mean data, files, text messages, emails, documents, audio, video, images, sounds, social media content, social networking content, apps, codes, health care records, health insurance records, credit card points, travel-related miles and points, computer source codes, computer programs, software, software licenses, databases, or the like, including access credential such as usernames, passwords and answers to secret questions, which are created, generated, sent, communicated, shared, received, or stored by electronic means on a Digital Device. "Digital Devices" are electronic devices that can create, generate, send, share, communicate, receive, store, display, or process information;

(6) 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 in divided or undivided interests and on a pro rata or non-pro rata basis and to adjust distributions for resulting differences in valuation;

(7) 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

(8) 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 VIII.

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.** 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 who is entitled thereto, or by any person designated by such beneficiary. Furthermore, within 60 days of receiving a written request from a beneficiary of a trust created by my Will who is entitled to receive an accounting, my Trustee shall furnish an accounting to such beneficiary. Any such accounting shall comply with the requirements of the Texas Trust Code and shall be deemed correct and binding one year after receipt by the requesting beneficiary.

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 family. Any person who is prohibited by law from inheriting property from me shall be treated as having failed to survive me.

D. **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 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 property is subject to a mortgage, lien, or other debt, I direct that the devisee taking such property shall take it subject to such mortgage, lien, or other debt, 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.

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. Discretion. Whenever in this Will an action is authorized in the discretion of my Executor or Trustee, the term "discretion" shall mean the absolute and uncontrolled discretion of such Executor or Trustee.

G. Incapacitated. A beneficiary shall be deemed "incapacitated" if my Executor or Trustee, in my Executor's or Trustee's 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 person or estate has been appointed by a court of competent jurisdiction and is serving as such, or (iii) one physician (licensed to practice medicine in the state where my Executor or Trustee is domiciled at the time of the certification, and who is board certified in the specialty most closely associated with the cause of such Executor's or Trustee's incapacity) certifies 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 Executor or Trustee shall immediately cease to serve upon being deemed incapacitated.

H. 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.

I. **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 construction, validity and administration of a particular trust if either (i) my Trustee resides in, or administers that trust in, such designated jurisdiction (or in the case of a corporate Trustee, if such corporate Trustee is chartered in such designated jurisdiction), or (ii) 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.

J. **Right To Use Principal Residence.** Each primary beneficiary of a trust created hereunder who desires to qualify eligible real or personal property for the homestead exemption shall have the right to use and occupy such property owned by such trust as such primary beneficiary's principal residence rent free and without charge for life or until such trust terminates, whichever occurs first. Further, any such property (or any interest therein) shall be acquired by an instrument of title that describes the property with sufficient certainty to identify it and the interest acquired, and the instrument shall be recorded in the real property records of the county in which the property is located. It is my intention that each home owned by a trust created under my Will qualify for the homestead exemption and that the trust which owns such property is a "qualifying trust" as defined and described in Section 11.13(j) of the Texas Tax Code and, if applicable, Section 41.0021 of the Texas Property Code.

K. **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 IX.
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, 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 1st day of NOVEMBER, in the year 2018.



ANTHONY C. CUCINELLO, SR., Testator

The foregoing instrument was signed by the testator in our presence and declared by the testator to be his Last Will and Testament, and we, the undersigned witnesses, sign our names hereunto as witnesses at the request and in the presence of the testator, and in the presence of each other, on the _____ day of _____, in the year 2018.

CHARLENE PEARSON

Witness Printed Name

Charlene Pearson

Witness Signature

9534 Big Oak Dr.

Street Address

Quinlan, Tx. 75474

City, State and Zip Code

Witness Printed Name

Judith A Jacques

Witness Signature

Judith A. Jacques

Street Address

10848 Sandy Ln

City, State and Zip Code

Wills Point, Tx 75169

SELF-PROVING AFFIDAVIT

STATE OF TEXAS

§

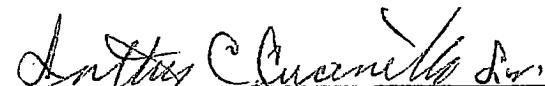
COUNTY OF HUNT

§

Before me, the undersigned authority, on this day personally appeared ANTHONY C. CUCINIELLO, SR.,

and

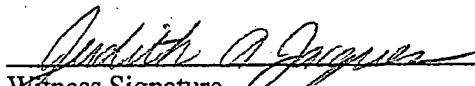
, known to me to be the testator and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of such persons being by me duly sworn, the said ANTHONY C. CUCINIELLO, SR., testator, declared to me and to the witnesses in my presence that such instrument is his will, and that he had willingly made and executed it as his free act and deed; and the witnesses, each on his or her oath stated to me, in the presence and hearing of the testator, that the testator had declared to them that such instrument is his will, and that he 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 testator and at his request; that he was at that time eighteen 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 fourteen years of age.



ANTHONY C. CUCINIELLO, SR., Testator

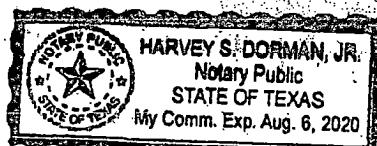


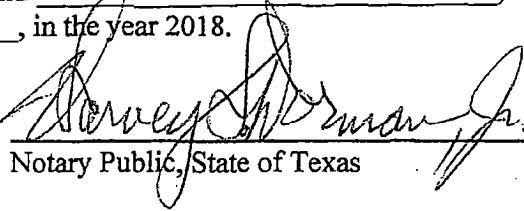
Witness Signature



Witness Signature

Subscribed and sworn to before me by ANTHONY C. CUCINIELLO, SR., testator, and by _____ and _____, witnesses, on the 2nd day of NOVEMBER, in the year 2018.




Notary Public, State of Texas