

PROBATE NO. 18850

CITATION ON APPLICATION FOR PROBATE OF WRITTEN WILL AND CODICIL(S)

Clerk of the Court
JENNIFER LINDENZWEIG
P.O. BOX 1316
GREENVILLE, TEXAS 75403

Attorney or Person Filing Cause
BY *Valerie Bradley*
MOSS & COX, DEPUTY
518 N MAIN STREET
BONHAM TX 75418

THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF **MARGARET MAGEE**
Deceased, No. 18850
Hunt County Court, Texas

On 27th day of April, 2020,

Mary E Haner filed in the County Court at Law #2 of Hunt County, an application for probate of the last will and testament / and codicil(s) of said **MARGARET MAGEE**, Deceased, and for letters testamentary (the said will accompanying said application /and codicil(s) attached).

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 citation shall post the copy of this citation at the courthouse doors of the county in which this proceeding is pending, or at the place in or near said courthouse where public notices customarily are posted, for not less than 10 days before the return day thereof, exclusive of the date of posting and return the original copy of this citation to the clerk stating in a written return the time and the place he posted such copy.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at this office, in Hunt County Texas, 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 Apr. 1 2020 at 11 o'clock A.M., and executed on 29 Apr. 1 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 Apr. 1, 20 20, through 11 May, 20 20, inclusive.

RANDY MEEKS, SHERIFF
HUNT COUNTY, TEXAS
BY: *John M. Meeks*, Deputy

18850

NO. _____

IN THE MATTER OF THE ESTATE OF : IN THE COUNTY COURT
MARGARET MAGEE, : OF Hunt County - County Court at Law 2
DECEASED : HUNT COUNTY, TEXAS

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

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Mary E. Haner, formerly Mary E. McCloud, hereinafter called Applicant, and respectfully files this Application to Probate Will and for Letters Testamentary, and shows to the Court:

1.

Your Applicant, Mary E. Haner, has a mailing address of 4034 Dixon Circle, Greenville, Texas 75401, and her social security number is XXX-XX-X586, and her Texas driver's license number is XXXXX773. She is above the age of 18 years.

2.

MARGARET MAGEE died April 8, 2020, in Greenville, Hunt County, Texas. She was 93 years of age at the time of her death. She was born November 13, 1926, in Blackborn, England. Her social security number was XXX-XX-X882, and her Texas identification number was XXXXX648. Her permanent residence and permanent domicile at the time of her death was 1908 LaFontaine Lane, Greenville, Texas 75402.

3.

This court has jurisdiction and venue of this matter by reason of the residence and domicile of the deceased and by reason of the further fact that the principal portion of her estate was situated in Hunt County Texas, at the time of her death.

4.

There are debts and charges against the estate, including, but not limited to administration expenses. The property of the decedent consisted of real and personal property, which is valued at less than 5 million dollars.

5.

The decedent left a Last Will and Testament, the original of which is filed herewith and offered for probate. Said Last Will and Testament is dated March 1, 1996, and was executed on that date in the presence of JOE D. MOSS and TAMMY BROWN, as attesting witnesses, and made self-proving before SHARRON COX, a Notary Public in and for the State of Texas.

Said Last Will and Testament was executed under all the formalities and solemnities of law requisite to make the same the valid Last Will and Testament of the decedent and constitutes the decedent's Last Will and Testament, not having been revoked at any time prior to her death.

6.

In her Last Will and Testament, the decedent bequeathed her entire estate to her daughter, Mary E. McCloud, now known as Mary E. Haner, Applicant herein.

7.

The beneficiary of decedent's estate is Mary E. Haner, Applicant herein, whose address is 4034 Dixon Circle, Greenville, Texas 75402.

8.

Said will names Mary E. McCloud, now known as Mary E. Haner, as Independent Executor of the deceased's estate. Your Applicant, Mary E. Haner, is not disqualified from

accepting Letters Testamentary and desires to be appointed as Independent Executor of the decedent's estate, without bond and independent of all court action.

9.

The decedent was married one time only and that to Melvin W. Magee, who predeceased her, he having died on August 29, 1990, in Hunt County, Texas. To this marriage was born two children, to-wit:

1. Michael John Magee, a male child, born January 17, 1950, whose address is P.O. Box 1003 (8201 Magnolia), Edmond, Oklahoma 73083.
2. Mary Ethel Magee McCloud Haner, Applicant herein, a female child, born April 13, 1959, whose address is 4034 Dixon Circle, Greenville, Texas 75401.

The decedent never adopted a child or children at any time during her lifetime.

The decedent never revoked said Last Will and Testament at any time after the making of the same.

10.

Applicant herein, MARY E. HANER, hereby waives notice required under Chapter 258 of the Estates Code of the State of Texas, and acknowledges receipt of a copy of the Last Will and Testament of MARGARET MAGEE, deceased.

11.

Neither the State of Texas nor any governmental agency of the State of Texas, nor any charitable organization have been named by the will as a devisee.

WHEREFORE, your Applicant prays that citation and notice issue, be served and returned as required by law; That on final hearing herein said Last Will and Testament be admitted to probate; That she be confirmed as Independent Executor of the decedent's estate;

that Letters Testamentary be issued herein; and for such other and further orders as are necessary and proper in the premises.

Respectfully submitted,

LAW OFFICE OF SHARRON L. JOHNSON
ATTORNEY AT LAW
305 S. CENTER STREET
BONHAM, TEXAS 75418
PHONE: (903) 583-3101
FAX: (903) 640-0103
SLJohnsonLaw@hotmail.com

BY: 
SHARRON L. JOHNSON
STATE BAR CARD NO. 24006599

18850

LAST WILL AND TESTAMENT
OF
MARGARET MAGEE

STATE OF TEXAS,

COUNTY OF FANNIN.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, MARGARET MAGEE, (also known as Margaret Ratcliffe Magee) a widow, of Hunt County, Texas, hereby make, declare and publish, this, my Last Will and Testament, hereby revoking any and all former wills and codicils made by me.

I.

I have been married one time only and that to Melvin W. Magee, who died August 29, 1990, in Hunt County, Texas, and whose will was probated in Hunt County, Texas. I have had two children born to me, Michael John Magee and Mary E. McCloud. I have never adopted a child. As my son, Michael John Magee has already received his share of the property of his father and myself, I am omitting him from the terms of this will.

II.

I direct that all of my legally debts and charges be paid as soon after my death as is practicable. These are to include, but not be limited to, burial expenses, hospital bills, doctor bills, expenses of last illness, expenses of administration and any and all death taxes that may be attributable to my estate, including State of Texas Inheritance taxes or Federal Estate taxes, if any.

III.

After the payment of the above referred to debts and charges, I will and bequeath all the balance and remainder of my property to my daughter, Mary E. McCloud, of Greenville, Texas, if she survives me. If she does not survive me, then I will and bequeath the same to her issue who are alive at the time of my death, share and share alike. If any of her living issue are under the age of 22 years, at a time when they would take property under this will, then the whole of the balance and remainder shall pass to and vest in

Michael John Magee as Trustee for the benefit of the issue of Mary E. McCloud who are alive at the time of my death, said trust to be administered as hereinafter set forth.

IV.

It is further my will, that when I die, that my daughter, Mary E. McCloud, of Greenville, Texas, shall be Independent Executrix of my estate. No bond or other security shall be required of her as such Executor, and the Courts shall have nothing to do with the administration of my estate, other than to require the probate of this will and the filing of an Inventory, Appraisement and List or Claims required by law. If she should fail, refuse or be incapable of acting as such Independent Executrix for any reason, then my son, Michael John Magee shall be Successor-Independent Executor, without bond and independent of all Court action as though originally appointed.

V.

I hereby give to my Independent Executors herein named, the power to sell any real and personal property owned by me at the time of my death.

VI.

In regard to the trusts set forth hereinabove I make the following provisions:

- A. The trustee of the trust for my grandchildren, the surviving issue of Mary E. McCloud, will be my son, Michael John Magee;
- B. Said Trustee shall have all of the rights, duties, powers and responsibilities of Trustees given to Trustees under the Texas Trust Act as it was enacted into law, as it has been amended and as it may be amended in the future; Said Trustee shall use the funds on hand for the health, education, welfare and maintenance of the grandchildren (the surviving issue of Mary E. McCloud) under the age of 22 years, as he deems to be in the best interest of the beneficiaries;
- C. No beneficiary of the trust created under this Article of my Last Will and Testament shall have the right or power to anticipate by assignment or otherwise, any income or corpus given to such beneficiary by this instrument or any portion thereof, nor in advance of actually receiving the same shall have the right or power to sell, transfer, encumber, or in anywise charge same; nor shall such income or corpus or

any portion of same, be subject to any execution, garnishment, attachment, insolvency, bankruptcy, or other legal proceeding of any character or legal sequestration, levy, or sale, or in any event or manner be applicable or subject, voluntarily or involuntarily;

D. The trust herein created for my grandchildren (the living issue of Mary E. McCloud) shall terminate when the youngest of said grandchildren reaches the age of twenty-two (22) years, at which time, the trust shall terminate and any balance of the corpus and increase on hand shall be distributed to them, share and share alike. If any of the issue of Mary E. McCloud, should die in the interim, said funds which would ordinarily be distributed to the one so dying, shall pass to and vest in those of the issue of Mary E. McCloud who survive, share and share alike.

IN TESTIMONY WHEREOF, I have hereunto signed my name to this, my Last Will and Testament, typewritten on four pages, including the self-proving affidavit, on this the 1st day of March, 1996, at Bonham, Fannin County, Texas, in the presence of TAMMY BROWN AND JOE D. MOSS, witnesses, who subscribe their names hereto at my request and in my presence.

Margaret Magee
MARGARET MAGEE

On the date last above written, MARGARET MAGEE, known to us to be the person whose signature appears at the end of this instrument, declared to us, the undersigned, that the foregoing instrument, consisting of four pages, including the self-proving affidavit, was her Last Will and Testament. We then signed the same in her presence, and at her request, in her presence and in the presence of each other, we now sign the same as witnesses:

Joe D. Moss
WITNESS
Tammy Brown
WITNESS

SELF PROVING AFFIDAVIT

STATE OF TEXAS,

COUNTY OF FANNIN.

BEFORE ME, the undersigned authority, on this day personally appeared, MARGARET MAGEE, a widow, and TAMMY BROWN AND JOE D. MOSS, known to me to be the Testatrix and the witnesses, respectively, whose names are subscribed to the annexed and foregoing instrument, in her respective capacities and all of said persons being by me duly sworn, the said MARGARET MAGEE, the Testatrix, declared to me and to the said witnesses, in my presence, that the instrument is her Last Will and Testament and that she had willingly made and executed it as her free act and deed for the purposes therein expressed; and the said witnesses, each on their oaths stated to me, in the presence and hearing of the said Testatrix, that the Testatrix had declared to them that said instrument is her Last Will and Testament and that she executed the same as such and wanted each of them to sign it as a witness; and upon their oaths each witness further stated that they did sign the same as witnesses, in the presence of the said Testatrix, and at her request; that she was at that time nineteen years of age and was of sound mind; that each of said witnesses was then at least fourteen years of age.

Joe D. Moss
WITNESS

Tammy Brown
WITNESS

SUBSCRIBED AND ACKNOWLEDGED BEFORE ME BY THE SAID MARGARET MAGEE, TESTATRIX, AND SUBSCRIBED AND SWORN TO BEFORE ME BY THE SAID TAMMY BROWN AND JOE D. MOSS, WITNESSES, THIS THE 1ST DAY OF MARCH, 1996.

L.S. Sharron Cox
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
NOTARY'S PRINTED NAME: Sharron Cox
MY COMMISSION EXPIRES: 12/11/97