

COUNTY OF STONEWALL  
CERTIFIED TO BE A TRUE AND CORRECT COPY  
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Dated June 1 A.D., 2009

COUNTY/DISTRICT CLERK OF STONEWALL CO., TEXAS

NO. 1293

IN BY Holly McHany THE MATTER OF DEPUTY

THE ESTATE OF

IDA BALDWIN DENISON,  
DECEASED

§ IN THE COUNTY COURT OF  
§  
§  
§  
§  
§ STONEWALL COUNTY, TEXAS

**FILED**  
County/District Court  
Stone wall Co Texas

FEB 11 4 1998

SMITH Clerk

APPLICATION TO SET ASIDE ORDER PROBATING WILL

TO THE HONORABLE JUDGE OF SAID COURT:

Bob Marshall Denison, Applicant, for the purpose of setting aside an Order of this Court probating a Will of Ida Baldwin Denison, Deceased, furnishes the following information to the Court:

I.

Applicant is interested in this Estate and is an individual domiciled in and residing at 663 Redwood Abilene, Taylor County, Texas, 79603.

II.

On August 26, 1997, this Court entered an Order admitting to probate a Will of Ida Baldwin Denison, Deceased, dated July 8, 1997, as the Last Will and Testament of Ida Baldwin Denison, Deceased, and authorized issuance of Letters Testamentary to John Wayne Denison, named in the Will as Independent Executor of the Estate.

III.

This Application is made to set aside the Order of this Court entered on August 26, 1997, probating the Will referred to in Paragraph II and authorizing issuance of Letters Testamentary because on the date of the alleged execution of the purported Will of Ida Baldwin Denison, Deceased, that is, on July 8, 1997, the

deceased lacked the testamentary capacity required by law to make a valid Last Will and Testament, in that she lacked the ability to know and understand the business in which she was engaged, the effect of the act of making a Will, the objects of her bounty and their claims upon her, and the general nature and extent of her property, nor on that date the deceased have sufficient memory to collect in her mind the elements of the business to be transacted and to hold them long enough to perceive at least their obvious relation to each other and to be able to form a reasonable judgment as to them.

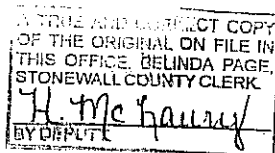
IV.

Letters Testamentary to John Wayne Denison, as Independent Executor of the deceased's Estate, under the Will, as authorized by this Court in its Order of August 26, 1997, should be revoked.

V.

The name, age, marital status, address and relationship to the decedent of each devisee under the Will previously admitted to probate and each person who would inherit from the decedent as an heir in absence of a valid Will are as follows:

1. John Wayne Denison, over 21 years of age, married, P.O. Box 19A, Aspermont, Texas, 79502, son of the decedent.
2. Bob Marshall Denison, over 21 years of age, single, 663 Redwood, Abilene, Texas, 79603, son of the decedent.
3. Lindsey Leigh Denison, date of birth December 17, 1985, Abilene, Texas, grandchild of the decedent.
4. Weston Marshall Denison, date of birth November 11, 1983, Abilene, Texas, grandchild of the decedent.
5. Jessica Lynn Denison, date of birth February 21, 1980, Abilene, Texas, grandchild of the decedent.



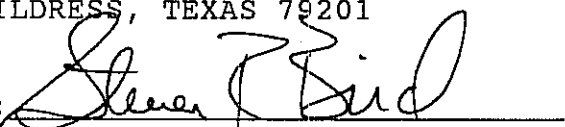
All proper parties are being notified of this action.

WHEREFORE, Applicant requests that citation be issued to all persons interested in this Estate as required by law; that on hearing, this Court set aside the Order probating the Will, entered by this Court on August 26, 1997, probating the Will of Ida Baldwin Denison, dated July 8, 1997; that the Letters Testamentary to John Wayne Denison, the Executor named in that Will, be revoked; and that such other and further orders be made as the Court may deem proper.

Respectfully submitted,

  
BOB MARSHALL DENISON

BIRD & BIRD  
ATTORNEYS AT LAW  
P.O. BOX 1257  
CHILDRESS, TEXAS 79201

BY:   
ATTORNEY FOR APPLICANT

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