

Cause No. 1024

FILED

County/District Court
Stonewall Co. Texas

IN THE ESTATE OF

§

IN THE COUNTY COURT

§

IDA BALDWIN DENISON,

§

OF

§

DECEASED

§

STONEWALL COUNTY, TEXAS

SEP 27 2001

DETTY L. SMITH, Clerk
Clerk/Deputy

**MOTION FOR ASSIGNMENT OF STATUTORY PROBATE COURT JUDGE
TO HEAR CONTESTED PROCEEDING**

BOB MARSHALL DENISON ("Movant") files this motion for the assignment of a statutory probate court judge to hear this contested proceeding pursuant to Section 5(b) of the Texas Probate Code and Section 25.0022 of the Texas Government Code. In support of this motion, Movant would show the Court as follows:

1. The following contested probate proceeding (the "Contested Proceeding") is now pending before this Court:

BOB MARSHALL DENISON, acting individually, in the capacity of a beneficiary of the testamentary trust (the "Trust") created for his benefit in the Last Will and Testament (the "Will") of Ida Baldwin Denison, Deceased (the "Decedent"), and in a derivative capacity on behalf of the Decedent's Estate (the "Estate") has brought suit against JOHN WAYNE DENISON, (the "Defendant") Independent Executor of the Estate, individually and personally for Breach of Fiduciary Duties, Constructive Fraud, Exemplary Damages and for Attorney's Fees.

2. This county has no statutory probate court, county court at law or other statutory court exercising the jurisdiction of a probate court.

3. Pursuant to Section 5(b) of the Texas Probate Code, upon the motion of any party to the Contested Proceeding, the Court is required either to request the assignment of a statutory probate court judge to hear the Contested Proceeding as provided in Section 25.0022 of the Texas Government Code or transfer the Contested Proceeding to the district court, and if the

Court has not transferred the Contested Proceeding to the district court at the time a party files a motion for assignment of a statutory probate court judge, the Court shall grant the motion for assignment of a statutory probate court judge and may not transfer the matter to district court unless the party withdraws the motion. Movant asks the Court to request assignment of a statutory probate court judge to hear the Contested Proceeding.

PRAYER

Premises considered, Movant prays that the Court will request assignment of a statutory probate court judge to hear the Contested Proceeding and grant such further relief to which Movant may be entitled.

Respectfully submitted,
LAW OFFICE OF TRAVIS S. WARE

By: 

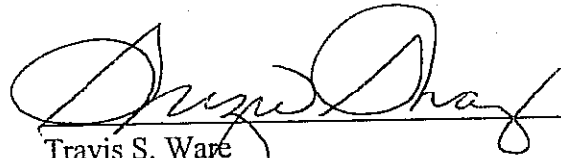
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ATTORNEY FOR MOVANT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been delivered in person or delivered in person by my agent or delivered by courier with receipted delivery or sent by certified mail or sent by telephonic transfer before 5:00 p.m. of the recipient's local time, on this the 25th day of September, 2001.



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Suzie D. Shay

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