

CLERK OF THE COURT  
TABATHA FERGUSON  
BOSQUE COUNTY CLERK  
MERIDIAN, TEXAS

ATTORNEY FILING  
PAUL D MARABLE  
PO BOX 219  
VALLEY MILLS, TX 76689

**THE STATE OF TEXAS**

TO ALL PERSONS INTERESTED IN THE ESTATE OF **RAY DAMIAN FRY**, deceased, Docket No. **P08678** County Court at Law Bosque County, Texas, **LORRAINE ANN GUTIERREZ** filed in the County Court at Law of Bosque County, Texas, on the **19th day of August, 2024** an **APPLICATION TO PROBATE A COPY OF A LOST WILL AND FOR ISSUANCE OF LETTERS TESTAMENTARY**. Said application will be heard and acted on by said Court **no earlier than** 10:00 am on the **first Monday** next after the expiration of ten days, from the date of posting this citation, the same being the **3<sup>rd</sup> day of September, 2024** at the County Court at Law Judicial Annex in **MERIDIAN, TEXAS**.

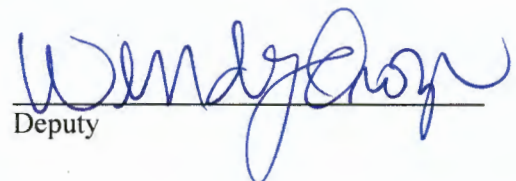
All persons interested in said estate are hereby cited to appear before said Honorable Court at said above mentioned time and place by filing a written answer contesting such application should they desire to do so.

The officer executing this citation shall post the copy of the citation at the Courthouse Door of the county in which proceedings are 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 thereon the time when and the place where he posted such copy.

**GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT** in Meridian, Texas. This the **19<sup>th</sup> day of August, 2024**.




  
TABATHA FERGUSON  
Bosque County Clerk

  
Deputy

## OFFICER'S RETURN ON CITATION

Came to hand on the 20 day of Aug, 2024, at  
11:42 o'clock A M. and executed on the 20 day of Aug, 2024  
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 Bosque County,  
Texas, or at the place in or near the said courthouse where public notices customarily are  
posted, that is from 8/20, 2024, through 9/3,  
2024, inclusive.

  
CONSTABLE  
BOSQUE COUNTY, TEXAS

Printed name: Scott Ferguson

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

<b>IN RE ESTATE OF</b>	<b>§</b>	<b>IN THE COUNTY COURT AT LAW</b>
<b>RAY DAMIAN FRY,</b>	<b>§</b>	<b>OF</b>
<b>DECEASED</b>	<b>§</b>	<b>BOSQUE COUNTY, TEXAS</b>

**APPLICATION TO PROBATE A COPY OF A LOST WILL  
AND FOR ISSUANCE OF LETTERS TESTAMENTARY**

TO THE HONORABLE JUDGE OF SAID COURT:

Lorraine Ann Gutierrez ("Applicant") furnishes the following information to the Court in support of this Application for the probate of a copy of the lost written Will of Ray Damian Fry ("Decedent") and for issuance of letters testamentary to Applicant as Independent Executor:

1. Applicant, Lorraine Ann Gutierrez, is a surviving daughter of the Decedent and is an individual interested in this estate, being domiciled in and residing at 711 S. Ave. I, Clifton, Texas 76634, the physical address at which service can be had on Applicant. The last three digits of Applicant's Social Security number are XXX-XX-X624 and the last three digits of Applicant's driver's license are Texas XXXXX737.
2. Decedent died on November 13, 2021, in Clifton, Bosque County, Texas, at the age of 96 years. The last three digits of Decedent's Social Security number are XXX-XX-X154. Decedent's driver's license had expired.
3. This Court has jurisdiction and venue because Decedent was domiciled and had a fixed place of residence in Bosque County on the date of his death.
4. Decedent owned real and personal property described generally as real estate, cash, securities, vehicles, equipment, household goods, and other personal property of a probable value in excess of \$50,000.00.
5. Decedent left a valid will ("Will") dated July 18, 2017, which was never revoked to the best of Applicant's knowledge. A copy of said Will is filed herewith as Exhibit A. The Applicant has made a diligent search for the original of the Will in the Decedent's personal effects, possessions, and elsewhere, but has been unable to locate it at this time. The Will was drafted by John Hastings, an attorney in Meridian,

Texas, and it is believed that the original of the Will was delivered to the Decedent. A copy of John Hastings' Affidavit regarding such delivery is attached as Exhibit B.

6. The names of the subscribing witnesses to the Will are Sharon Wyatt and Ashley Ostic. The Will was made self-proved in the manner prescribed by law.

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

8. After the date of Decedent's Will, no marriage of Decedent was ever dissolved, whether by divorce, annulment, or declaration that the marriage was void.

9. A necessity exists for the administration of this estate.

10. The Will named Amy Jo Green, whose address is 803 S. Ave. H, Clifton, Texas 76634, to serve without bond or other security as Independent Executor. Since November 13, 2021, Amy Jo Green has failed or refused to file an application to probate the original or a copy of the Will, and has failed to perform her fiduciary duties as executor. Such delay and failure is against the interests of Applicant and other beneficiaries under the Will. The Will named Applicant to serve without bond or other security as successor Independent Executor. Applicant is not disqualified by law from serving in such capacity or from accepting letters testamentary. Applicant is entitled to such letters.

11. The Will did not name either the State of Texas, a governmental agency of the State of Texas, or a charitable organization as a devisee.

12. The Decedent did not apply for and receive Medicaid after March 1, 2005.

13. The following are the names and addresses, status as an adult or minor, and relationship to the Decedent of the devisees of the Will:

a) Amy Jo Green (also known as Amy Fry Green), whose address is 803 S. Ave. H, Clifton, Texas 76634, is a surviving adult daughter of Decedent.

b) Lorraine Ann Gutierrez, whose address is 711 S. Ave. I, Clifton, Texas 76634, is a surviving adult daughter of the Decedent.

c) Damon Fry, whose address is 723 E. White St., Hamilton, TX 76531, is a surviving adult grandchild of Decedent.

d) Jessica Green McWhirter, a grandchild of Decedent, predeceased the Decedent.

e) Melinda Jo Green, whose address is 803 S. Ave. H, Clifton, Texas 76634, is a surviving adult grandchild of Decedent

f) Christy Fry, whose address is 723 E. White St., Hamilton, TX 76531, is a surviving adult grandchild of Decedent.

g) Jennifer Fry, whose address is c/o LaNell Hall at 700 E. White, Hamilton, TX 76531, is a surviving adult grandchild of Decedent.

h) Jamie Fry, whose address c/o LaNell Hall at 700 E. White, Hamilton, TX 76531, is a surviving adult grandchild of Decedent.

14. The Decedent was a single person at the time of his death. To the best of Applicant's knowledge, in the absence of a Will, the following persons would inherit as the only children and heirs of the Decedent:

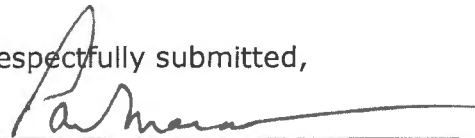
a) Amy Jo Green, whose address is 803 S. Ave. H, Clifton, Texas 76634, would inherit a ½ interest in Decedent's estate, both real and personal property, as a surviving adult daughter; and

b) Lorraine Ann Gutierrez, whose address is 711 S. Ave. I, Clifton, Texas 76634, would inherit a ½ interest in Decedent's estate, both real and personal property, as a surviving adult daughter.

15. Applicant asks the Court not to require Applicant to file a sworn statement stating specifically the terms of the Will that have been fulfilled and the terms of the Will that have been unfulfilled.

Applicant prays that citation issue as required by law to all persons interested in this estate; that the copy of the lost Will be admitted to probate; that letters testamentary be issued to Applicant, Lorraine Ann Gutierrez; and that all other orders be signed as the Court may deem proper.

Respectfully submitted,



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ATTORNEY FOR APPLICANT