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AFFIDAVIT OF HEIRSHIP

8 Pages

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Elizabeth James, County Clerk Harrison County, Texas	



STATE OF TEXAS

COUNTY OF HARRISON

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Harrison County, Texas.

Elizabeth James
Elizabeth James, Harrison County Clerk

Record and Return To:



KAREN E DEPPERSCHMIDT
120 RAINBOW DRIVE, #2060

LIVINGSTON, TX 77399

AFFIDAVIT OF HEIRSHIP

**THIS AFFIDAVIT MUST BE FILED
IN THE COUNTY CLERK'S RECORD.**

OWNER'S
NAME

Dolly J. Fyffe

This Affidavit must be completed by a third disinterested party (Affiant) who will not benefit from the decedent's estate. Do not complete this form if the decedent left a will that was probated in court or there has been some other type of court determination to the estate.

Before me, the undersigned authority, on this day personally appeared:

("Affiant") who, being first duly sworn, upon his/her oath states:

1. My name is: Molly Cummings

I live at: 719 CR 1122, P. O. Box 707, Daingerfield, TX 75638

I am personally familiar with the family and marital history of: Dolly J. Fyffe
(Decedent), and I have personal knowledge of the facts stated in this Affidavit.

2. I knew the decedent from: 1962 until 2020 Decedent died on: 7/11/2020

Decedent's place of death: Longview Regional Medical Center

At the time of decedent's death, decedent's residence was:

Longview TX Gregg
CITY STATE COUNTY

3. Provide the following information on the deceased's marital history:

(If never married, please state that below.)

NAME OF SPOUSE	DATE OF MARRIAGE	DATE OF DIVORCE	DATE OF SPOUSE'S DEATH
Edward D. Fyffe	11/24/1954	N/A	9/21/2000

4. Provide the following information on the deceased's natural born and adopted children:

(If there are none, please state that below. If additional space is needed, please provide information as an attachment.)

NAME OF CHILD/ CURRENTADDRESS	DATE OF BIRTH	NAME OF CHILD'S OTHER PARENT	DATE OF CHILD'S DEATH
Karen E. Depperschmidt	2/15/1957	Edward D. Fyffe	Living
120 Rainbow Drive, # 2060			
Livingston, TX 77399			

5. Provide the following information on the deceased's grandchildren, born only to the deceased children in Item 4, above:

(If there are none, please state that below.)

NAME OF CHILD/ CURRENTADDRESS	DATE OF BIRTH	NAME OF GRANDCHILD'S DECEASED PARENT
Amanda K. Depperschmidt	9/20/1993	None

6. If the decedent never married and did not have any children, provide the following information on the deceased's parents:

DECEASED'S PARENTS	PARENT'S NAME/ CURRENTADDRESS	PARENT'S DATE OF DEATH
MOTHER	N/A	
FATHER		

7. Provide the following information on the deceased's brothers and/or sisters:
(If there are none, please state that below.)

NAME OF CHILD/ CURRENTADDRESS	DATE OF BIRTH	BROTHER'S OR SISTER'S DATE OF DEATH
Decedent died with a will, so this information is not provided.		
See attached will		

8. Provide information on the deceased's nieces and/or nephews born only to the deceased brothers/sisters in Item 7, above:
(If there are none, please state that below. If additional space is needed, please provide information as an attachment.)

NAME OF NIECE OR NEPHEW/ CURRENTADDRESS	DATE OF BIRTH	NAME OF NIECE OR NEPHEW'S DECEASED PARENT
Decedent died with a will, so this information is not provided.		

Signed this 27 day of August, 2021,

Molly Cumming
(SIGNATURE OF AFFIANT)

State of Texas

County of Morris

Sworn to and subscribed to before me on: 8/27/2021
(DATE)

by Molly Cumming
(NAME OF AFFIANT)

Sherry Ray
(NOTARY SIGNATURE)



My commission expires: 27th day of August, 2021

THIS AFFIDAVIT MUST BE FILED IN THE COUNTY CLERK'S RECORD.

LAST WILL AND TESTAMENT**OF****DOLLY JEAN FYFFE**

I, DOLLY JEAN FYFFE, of the County of Travis and the State of Texas, being in good health, of sound and disposing mind and memory, do make and declare this instrument to be my Last Will and Testament, hereby expressly revoking all former Wills and Codicils made by me at any time heretofore, and intending hereby to dispose of all the property of whatever kind and wherever situated which I own, or in which I have any kind of interest at the time of my death.

I.**IDENTITY OF THE FAMILY**

I am not married and I have one child, namely, KAREN ELAINE DEPPERSCHMIDT.

II.**PAYMENT OF EXPENSES**

I direct that all the expenses of my last illness, my funeral expenses, and my just personal debts, including any inheritance taxes, transfer taxes, and estate taxes which may be levied by the United States Government or by any state by reason of my death, shall be paid by my Independent Executor out of the residue of my estate as soon as conveniently may be done; provided that my Independent Executor, in such Executor's sole discretion, may distribute from time to time any real or personal property in my estate which at my death is subject to a lien securing an indebtedness upon it without discharging said indebtedness, if in my Independent Executor's judgment, the condition of my estate so requires. The distributee shall then be considered as having received my estate's equity in the property.

III.**DISPOSITION OF ESTATE**

A. I give, devise and bequeath all of my estate to my child, KAREN ELAINE DEPPERSCHMIDT; provided, however, that if the child of mine shall not then survive me, but should leave issue then surviving me, such then surviving issue shall take, per stirpes, the share that such deceased child would have taken by surviving me, or if none of my descendants are then living, then I give, devise and bequeath all of my estate of whatsoever kind and wheresoever situated according to the paragraphs below.

B. Any other property of mine that has not been disposed of under any other provision of this Will shall go and be distributed to my heirs-at-law. Their identity and respective shares shall be determined in all respects as if my death had occurred immediately following the happening of the event requiring such distribution, and according to the laws of Texas then in force governing the distribution of the estate of an intestate.



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C. I may leave a written statement or list disposing of certain sentimental items of my tangible personal property. I fully recognize that such list is perfunctory and not legally binding upon my Executor and heirs and beneficiaries. Nevertheless, the list is and shall be an expression of my wishes and should be considered determinative with respect to the bequests made therein. If no written statement or list is found and identified by my Executor as referenced in this Will within thirty (30) days after my Executor's qualification and appointment by the Court, it shall be conclusively presumed that no such statement or list exists and any subsequently discovered list shall be ignored.

IV.

DEFINITION OF SURVIVAL

Any legatee, devisee, donee, person or beneficiary with respect to all or any part of my estate who shall not survive until ninety (90) days after the date of my death, or until this Will is probated, whichever occurs earlier, shall be deemed to have predeceased me, and shall be treated for all purposes herein as though such person had predeceased me. Any person who is prohibited by law from inheriting property from my estate shall be treated as having failed to survive me.

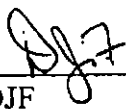
V.

APPOINTMENT OF EXECUTOR

A. I hereby nominate, constitute and appoint my daughter, KAREN ELAINE DEPPERSCHMIDT, as Independent Executor of my estate. In the event that my daughter, KAREN ELAINE DEPPERSCHMIDT, shall predecease me or fail or refuse to qualify, or die, resign, or become unable to serve during the administration of my estate, I hereby nominate, constitute and appoint my son-in-law, DONALD PAUL DEPPERSCHMIDT, as Independent Executor, and all the powers, duties and responsibilities granted and imposed upon KAREN ELAINE DEPPERSCHMIDT shall devolve upon and be exercised by DONALD PAUL DEPPERSCHMIDT.

B. If any individual Independent Executor becomes unable to discharge his or her duties under this Will because of accident, physical or mental illness or deterioration, or other cause and does not resign, then upon certification in a form sufficient for the recording of a deed in the State of Texas by two medical doctors (neither of whom is a beneficiary under this Will) affirming that each has examined the Independent Executor and that each has concluded, based on such examination, that the Independent Executor is unable to discharge his or her duties under this Will, the Independent Executor shall cease to serve, as if he or she had resigned, effective the date of the certification.

C. It is my will and desire and I hereby direct that in the administration of my estate, my Independent Executor or any successor shall not be required to furnish any bond of any kind and that no action shall be had in any court in the administration of my estate other than the probating of this, my Will, and the filing of any required Inventory, Appraisement and List of Claims of my estate that may be required.



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VI.
POWERS OF EXECUTOR

The estate created or arising by virtue of my death and this instrument, my Will, shall be governed by and administered in accordance with the following provisions:

A. I hereby grant unto my Independent Executor or any successor named above, full power and authority over any and all of my estate and they are hereby authorized to sell, manage, and dispose of the same or any part thereof, and in connection with any such sale or transaction, make, execute and deliver proper deeds, assignments and other written instruments and to do any and all things proper or necessary in the orderly handling and management of my estate.

B. My Independent Executor or any successor named above, shall have the power to access, use, control and dispose of any of my digital assets, wherever located, including but not limited to devices and on-line accounts and the authority to access, use, control or dispose of any electronic credentials including any passwords associated with any device or access.

C. My Independent Executor or any successor named above, shall have full power and authority to compromise, settle and adjust any and all debts, claims and taxes which may be due from or owing by my estate.

D. My Independent Executor or any successor named above, shall have full power and authority to deal with any person, firm, or corporation.

E. My Independent Executor or any successor named above, shall have full power to borrow money at any time and in any amount from time to time for the benefit of my estate, from any person, firm, or corporation or from any bank or trust company and to secure the loan or loans by pledge, deed of trust, mortgage or other encumbrances on the assets of the estate and from time to time to renew such loans and give additional security.

F. The Independent Executor shall serve without compensation.

VII.
SPENDTHRIFT PROVISION

No interest of any beneficiary in the corpus or income of my estate shall be subject to assignment, alienation, pledge, attachment, or claims of creditors of such beneficiary and may not otherwise be alienated or encumbered by such beneficiary, except as may be otherwise expressly provided herein.

VIII.
DEFINITIONS AND INTERPRETATIONS

For purposes of interpretation of this, my Will, and the administration of the estate

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established herein, the following provisions shall apply:

A. The words "child, children, descendants, issue," and similar terms shall be deemed only to include children born to, or adopted (on or before eighteen years of age) by me or my descendants.

B. The term "digital assets" includes the following:

(1) all desktops, laptops, tablets, peripherals, storage devices, cloud storage, any type of cellular phone, wearable technology and any similar device existing now or developed in the future to access, use or control digital content; and

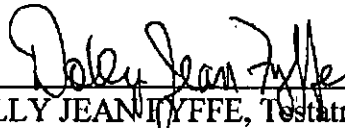
(2) all e-mail, e-mail accounts, digital music, digital photographs, digital videos, licensed software, social network accounts, on-line gaming accounts, on-line store accounts, domain registration, web hosting accounts and any other on-line account or similar digital item which exists now or is developed in the future.

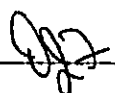
C. When a distribution is directed to be made to any person's descendants "per stirpes," the division into stirpes shall begin at the generation nearest to such person that has a living member.

D. The use of the masculine, feminine or neuter genders shall be interpreted to include the other genders, and the use of either the singular or the plural number shall be interpreted to include the other number, unless such an interpretation in a particular case is inconsistent with the general tenor of this instrument. Any references herein relating to my Independent Executor shall include her successors regardless of the gender of the successors.

E. This Will shall be probated in accordance with the laws of Texas, and should any provisions of the same be held unenforceable or invalid for any reason, the unenforceability or invalidity of said provision shall not affect the enforceability or validity of any other part of this Will.

I, DOLLY JEAN FYFFE, as Testatrix, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority that this instrument is my Will, that I have willingly made and executed it in the presence of the undersigned witnesses, all of whom were present at the same time, as my free act and deed, and that I have requested each of the undersigned witnesses to sign this Will in my presence and in the presence of each other. I now sign this Will in the presence of the attesting witnesses and the undersigned authority on this 25 day of July, 2018.


DOLLY JEAN FYFFE, Testatrix

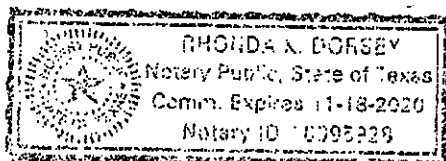

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The undersigned Sally H. Ballard and Terri T. Ryan each being above fourteen years of age, after being duly sworn, declare to the Testatrix and to the undersigned authority that the Testatrix declared to us that this instrument is the Testatrix's Will and that the Testatrix requested us to act as witnesses to the Testatrix's Will and signature. The Testatrix then signed this Will in our presence, all of us being present at the same time. The Testatrix is eighteen years of age or over (or being under such age, is or has been lawfully married, or is a member of the armed forces of the United States or of an auxiliary thereof or the Maritime Service), and we believe the Testatrix to be of sound mind. We now sign our names as attesting witnesses in the presence of the Testatrix, each other, and the undersigned authority on this 25th day of July, 2018.

Sally H. Ballard
Witness

Terri T. Ryan
Witness

SUBSCRIBED AND SWORN TO BEFORE ME by the said DOLLY JEAN FYFFE, Testatrix, and by the said Sally H. Ballard and Terri T. Ryan, Witnesses, this 25th day of July, 2018.



Rhonda A. Dorsey
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

LAW OFFICE OF KELLEY F. WHALEN, P.C.
611 S. Church Street
GEORGETOWN, TX 78626

Texas Royalty Brokers

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