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*LICENSED IN TEXAS AND COLORADO

March 14, 2012

Sent via Certified Mail
Return Receipt Requested

Carole Ann Brunsting
5822 Jason St.
Houston, TX 77074

Re: *Estates of Elmer and Nelva Brunsting*

Dear Ms. Brunsting:

As you no doubt now know, I represent your brother, Carl Brunsting. Carl was named as the personal representative in both of your parents' wills. Carl has reason to believe that you may have the original of either your father's and/or your mother's wills. He also has reason to believe that you may have papers belonging to either your father or your mother.

To the extent you have the original wills, you probably did not realize you had an obligation to deliver those original wills to the clerk of the Harris County Probate Court upon their deaths. I have checked the probate court records, and it does not appear that either of the original wills have been so delivered. Tex. Prob. Code Ann. §75 also requires the delivery of any papers belonging to either of your parents' estates to Carl. Tex. Prob. Code Ann. §75, a copy of which is enclosed, provides for severe penalties for the failure to deliver the original wills to the probate clerk or the papers to the executor.

Although it is not required, demand is hereby made that the original wills of Elmer and Nelva Brunsting be filed with the Harris County Probate Clerk, pursuant to Tex. Prob. Code Ann. §75, within five business days of your receipt of this letter and that notice be provided to me of that filing. Demand is also made that all papers belonging to Elmer or Nelva Brunsting be delivered to my office within two weeks of your receipt of this letter. If for some reason those time frames create a problem, please contact me upon your receipt of this letter. I hope it will not be necessary to invoke the remedies set forth in Tex. Prob. Code §75, so I look forward to your cooperation in this matter.

Very truly yours,



Bobbie G. Bayless

BGB/st

cc: Carl Brunsting (via email)

P12765

Westlaw

V.A.T.S. Probate Code, § 75

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C**Effective:[See Text Amendments]**

Vernon's Texas Statutes and Codes Annotated Currentness

Texas Probate Code (Refs & Annos)

▣ Chapter V. Probate and Grant of Administration (Refs & Annos)

▣ Part 1. Estates of Decedents

→→ **§ 75. Duty and Liability of Custodian of Will**

Upon receiving notice of the death of a testator, the person having custody of the testator's will shall deliver it to the clerk of the court which has jurisdiction of the estate. On sworn written complaint that any person has the last will of any testator, or any papers belonging to the estate of a testator or intestate, the county judge shall cause said person to be cited by personal service to appear before him and show cause why he should not deliver such will to the court for probate, or why he should not deliver such papers to the executor or administrator. Upon the return of such citation served, unless delivery is made or good cause shown, if satisfied that such person had such will or papers at the time of filing the complaint, such judge may cause him to be arrested and imprisoned until he shall so deliver them. Any person refusing to deliver such will or papers shall also be liable to any person aggrieved for all damages sustained as a result of such refusal, which damages may be recovered in any court of competent jurisdiction.

CREDIT(S)

Acts 1955, 54th Leg., p. 88, ch. 55, eff. Jan. 1, 1956.

<The Texas Probate Code is repealed and the Estates Code is enacted, effective January 1, 2014, by Acts 2009, 81st Leg., ch. 680, Acts 2011, 82nd Leg., ch. 823 (H.B. 2759) and Acts 2011, 82nd Leg., ch. 1338 (S.B. 1198).>

Current through the end of the 2011 Regular Session and First Called Session of the 82nd Legislature

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