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NO. _____

IN THE ESTATE OF § IN PROBATE COURT NO. ____
KANELLOS D. CHARALAMPOUS § OF
§ HARRIS COUNTY, TEXAS
§
§

No Serv Req 10/18/2024

**APPLICATION TO PROBATE WILL
AND FOR APPOINTMENT OF INDEPENDENT ADMINISTRATOR**

Baylor College of Medicine (“BCM”) and Texas Christian University (“TCU”) (collectively “Charities”) respectfully show the Court as follows:

1. Applicants are charitable organizations domiciled in Texas. BCM is based in Houston, Harris County, Texas. TCU is based in Fort Worth, Tarrant County, Texas.
2. Kanellos D. Charalampous (“Decedent”) died on or about January 15, 2024.
3. This Court has jurisdiction and venue because the Decedent was domiciled and had a fixed place of residence in Houston, Harris County, Texas.
4. Decedent left a valid written will dated May 16, 2022 (the “2022 Will”), which was never revoked.
5. The 2022 Will revoked all prior wills. Nevertheless, on February 9, 2024, Constantine Charalampous, one of Decedent’s sons, filed a Petition for Admission of Will to Probate in McClain County, Oklahoma, seeking to probate a

prior will dated March 25, 2016 (the “2016 Will”) and a Codicil thereto dated April 28, 2018. The 2016 Will and its Codicil were revoked by the 2022 Will. The McClain County, Oklahoma filing is case number PB-2024-19 (the “Oklahoma Action”).

6. Charities conditionally appeared in the Oklahoma Action to object to the jurisdiction of the Court in the Oklahoma Action because Decedent was a resident of Texas when he died. Indeed, Decedent resided in Houston for over the last 50 years of his life. A hearing is set in the Oklahoma Action for November 13, 2024 on Charities’ motion to dismiss that case for lack of jurisdiction.

7. Charities also filed a conditional petition in the Oklahoma Action to probate the 2022 Will, conditioned on the basis that the Court in the Oklahoma Action might determine that Decedent was domiciled in Oklahoma at the time of his death. The original of the 2022 Will was filed in the Oklahoma Action in conjunction with that conditional petition.

8. Attached to this Application is the Declaration of Michael Thom, the lawyer for the Charities in the Oklahoma Action. Mr. Thom attests that the original of the 2022 Will is filed in the Oklahoma Action, and he attaches to his declaration a certified copy of the 2022 Will as filed in the Oklahoma Action. Charities request that this Court accept the certified copy as evidence that the original 2022 Will exists and is not lost and that the certified copy reflects the original 2022 Will.

9. The 2022 Will is self-proving, having been duly witnessed by Vanessa M. Dyne and Kari Olah, both of 1155 Dairy Ashford, Suite 104, Houston, Texas 77079.

10. The Decedent is survived by two sons: Constantine Charalampous, 3095 Eagles Nest, Purcell, OK 73080, and Phillip C. Charalampous, 36819 Highway 7, Davis, OK 73030. Notice is being provided to these two heirs. No other children were born after the making of the 2022 Will. Upon information and belief, Decedent was not married at the time of his death.

11. The sole legatee and devisee of the 2022 Will is the Charalampous Living Trust, dated May 16, 2022. Charities are beneficiaries of that trust. The trust designates Stephen A. Mendel, 1155 Dairy Ashford, Suite 104, Houston, TX 77079, as the potential successor trustee, but on information and belief, Mendel has declined to serve in that capacity. Charities will ask this Court to appoint a successor trustee in the event one is not appointed in accordance with the terms of the trust instrument.

12. Decedent's two sons have caused a lawsuit to be filed, purportedly on behalf of the Estate of Kanellos D. Charalampous, and on behalf of the beneficiaries of the 2016 Will, in No. 2024-63748 in the 127th District Court of Harris County, Texas (the "127th District Action"). In the 127th District Action, the sons have sued Stephen Mendel, his law firm, his wife, and others, including BCM.

13. Among other relief sought in the 127th District Action, the sons request a “judicial declaration that any instrument executed by Dr. Charalampous in 2022 is *void ab initio* and unenforceable....” Of course, the 2022 Will was executed in 2022. The sons, in their 127th District Action, therefore seek to invalidate the 2022 Will. Such an action lies within the exclusive jurisdiction of this Court. Charities are simultaneously moving in this Court to transfer the 127th District Action to this Court, where it belongs.

14. The 2022 Will appoints Stephen A. Mendel as Independent Executor of Decedent’s Estate. Mr. Mendel has not agreed to serve in that capacity, nor has he exercised his power to appoint a successor executor. Charities therefore ask this Court to appoint a temporary administrator until such time as a permanent administrator or executor can be appointed.

15. Because assets of the Estate are intended to pour over into a trust for the benefit of Charities, notice of this application is being served on the Office of the Attorney General of the State of Texas.

16. Necessity exists for the administration of this Estate.

17. Charities offer the 2022 Will for probate in good faith and with just cause, and therefore seek to recover their attorneys’ fees from the Estate. TEXAS PROBATE CODE § 243.

Therefore, Charities pray that citation be issued to all persons interested in the Estate of Kanellos D. Charalampous, deceased, as required by law; that the 2022 Will be admitted to probate; that a temporary administrator be appointed to execute the 2022 Will; that a permanent administrator or executor be appointed; that letters testamentary be issued as needed by the administrators or executors; that Charities recover their attorneys' fees from the Estate; and for such other and further relief to which Charities may be justly entitled.

Respectfully submitted,

**FOGLER, BRAR,
O'NEIL & GRAY, LLP**

By: */s/ Murray Fogler*

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Alyssa Ramirez on behalf of Murray Fogler
Bar No. 7207300
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Associated Case Party: Baylor College of Medicine

Name	BarNumber	Email	TimestampSubmitted	Status
Robin O'Neil		roneil@foglerbrar.com	10/18/2024 9:41:45 AM	SENT
Murray JFogler		mfogler@foglerbrar.com	10/18/2024 9:41:45 AM	SENT