

IN THE ESTATE OF	X	IN THE PROBATE COURT
BILLIE ALLEEN KUHNEL	X	NO.3 Cause No.464,101
ALSO KNOWN AS	X	HARRIS COUNTY, TEXAS
BLLIE NELSON KUHNEL	X	
ALSO KNOWN AS	X	
KUHNEL, BILLIE	X	
ALSO KNOWN AS	X	
BILLIE ALLEEN NELSON KUHNEL	X	
DECEASED	X	

2020 JAN 31 PM 3:57
FILED
Debra J. Anderson
COUNTY CLERK
HARRIS COUNTY TEXAS

**MOTION TO PROBATE THE ORIGINAL WILL,
GRANT THE REVOCATION OF PREVIOUSLY OFFERED FOR PROBATE
COPY OF LOST WILL – WILL NON-PRODUCIBLE IN COURT AND
FOR CONTINUANCE OF THE EXISTING ADMINISTRATION GRANTING
LETTERS TESTAMENTARY TO THE EXISTING INDEPENDENT EXECUTOR**

TO THE HONORABLE JUDGE OF SAID COURT:

ROY KENNETH KUHNEL ("Movant"), furnish the following information to the Court in support of this Motion for the probate of The Original Self-proved Written Will of BILLIE NELSON KUHNEL ("Decedent"), and for the continuance of the existing administration granting issuance of Letters Testamentary to the Existing Independent Executor:

Movant is the husband of the Decedent with direct interest in this Estate, being domiciled and residing at 3214 Brooktree Ln., Spring, TX 77380.

BILLIE NELSON KUHNEL, Decedent, died on January 20, 2018, in Houston, Texas at South East Memorial Hospital at the age of Seventy Two (72) years. Decedent's domicile at the time of her death was 721 Heron Lane, Pasadena, Texas, 77502-3526.

The Movant and the Decedent were never divorced, and official court decree of separation was never issued by the courts of and in any jurisdiction.

This Court has jurisdiction and venue is proper because Decedent was domiciled in Texas and had a fixed place of residence in this County on the date of her death. Decedent's principle property was in this County at the time of death.

This honorable court commence the probate proceedings in February – March of 2018, and appropriate court orders were issued in April of 2018, based on the copy of the Lost Will, Will Non-producible in Court, that was offered to my son, Brian Heath Kuhnel, by Billie's grandson, Devon Allen Kuhnel, on or about February 1st, 2018.

Devon Kuhnel never found the original of the "new" will that was, based on presented copy, executed in less than 90 days before Billie's passing. Brian Kuhnel reached out to the Law Offices of "Giddens & Burns" located at 3009 Strawberry Rd., Pasadena, TX 77502 , ph.: (713) 947-0001, but was reassured that the office doesn't have the original of the "new" will, and for that matter, they did not have even a copy of the "new" will.

Brian Kuhnel and I run a thorough and diligent search in the residence that Billie Kuhnel lived in before her death, that is 721 Heron Lane, Pasadena, TX 77502, but we could not find any other wills at that time, and therefore the copy of the Will non-producible in court that was offered for the probate proceedings was not contested by any heir and/or beneficiary.

Just few days ago, on or about January 26, 2020, I found the Original Will of Billie, alike the Will I have that is still valid, in the boxes that arrived from 721 Heron Lane. Billie and I both executed Wills alike on May the 25th, 1976 that were prepared and notarized by and in the presence of Ann M. Zimmerer, Attorney at Law; 803 Queens Road, Pasadena, Texas, 77502.

I present The Original Will to this Honorable Court for Probate. I also present to this honorable court the handwritten letter from Billie providing with some directions related to the distribution of the property dated June 22, 1999.

I hereby asking this honorable court to revoke the Grant of the admissibility of the previously probated Copy of Lost Will, Will Non-producible in Court, dated October 27, 2017, the Will prepared by the Office of "Giddens & Burns" located at 3009 Strawberry Rd., Pasadena, TX 77502 , ph.: (713) 947-0001, because this Will could have been altered using the advances of new electronic era, and therefore only the copy of the Will was offered by Devon Kuhnel, and there now some reasons and evidence to believe that the Will dated October 27, 2017 was and is invalid on the grounds of lack of testamentary capacity and undue influence, notwithstanding the fact that Devon Kuhnel became not only a beneficiary of a new Will but also received the Power of Attorney from Billie Kuhnel on the same date as it appears.

The copy of the Factual True Original Will executed with all formalities and solemnities on May 25th, 1976 is filed herewith; and the original is presented to the Probate Court officials per the existing rules for verification, as well as the handwritten letter from Billie to me dated June 22, 1999.

A necessity exists for the administration of the Estate specifically, there are debts owed by the Estate and assets to be collected by the Estate, and presently Brian Heath Kuhnel, my son and responsible individual, is appointed by the Order of This Honorable Court as an Independent Executor. I am aware that he is faithfully executing his fiduciary duties, Brian is keeping me updated on the status of the Administration; and I have no objections to this venue and therefore, I am not asking this court to appoint me as an Independent Executor per the terms of the True Original Will, dated May 25th, 1976.

I also want to state that No marriage of the decedent was dissolved after the Will of 1976 was executed. No marriage was made either by divorce, annulment, or declaration that the marriage was void; and no children born or adopted.

Decedent's True Original Will named Me, Roy Kenneth Kuhnel, to serve as an Independent Executor, to act independently and without bond. I, ROY KENNETH KUHNEL is not disqualified by law from serving as such or from accepting Letters Testamentary and is entitled to such Letters. Nevertheless, because the probate proceedings already qualified my son, BRIAN HEATH KUHNEL, as an INDEPENDENT EXECUTOR, I HAVE NO OBJECTIONS, that he continues to serve as SUCH.

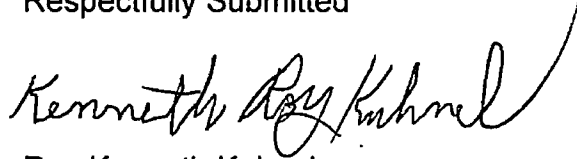
No governmental agency of the state or charitable organization was named by the Will as a Devisee.

The Will was made self-proved in the manner prescribed by law.

WHEREFORE, Movant pray that hearings will be held, the citation will not to be issued or issued as required by law to all persons interested in this Estate even though it was already done in original proceedings; that the Copy of the Original True Will dated May 25th, 1976 be admitted to probate; the Lost Will be revoked, that Letters Testamentary be

issued still and held on the name of BRIAN HEATH KUHNEL; and that all other Orders be entered as the Court may deem proper.

Respectfully Submitted



Roy Kenneth Kuhnel

Movant,

Husband of the Deceased,

Person Interested in the Estate in Cause

No. 464,101

3214 Brooktree Lane

Spring, Texas 77380

(832) 452-6679/ (832) 707-0003

Email: roy_kuhnel@charter.net

cc: hytril@gmail.com

/cc: eridan151@icloud.com

Last Will and Testament

OF

BILLIE ALLEEN KUHNEL

THE STATE OF TEXAS

X

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

X

That I, BILLIE ALLEEN KUHNEL, now domiciled in Harris County Texas, being in good health, of sound and disposing mind and memory, and over the age of eighteen (18) do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils and testamentary instruments of any nature heretofore made by me.

I

I direct that all of my just debts, including the cost of my last illness and my funeral expenses, including the cost of a suitable monument at my grave, be paid as soon as practicable after my death except that any debts which are payable in installments or are not due until at least one year from the date of my death need not be paid during the administration of my estate but may, if the terms of such debts permit, be continued and paid according to their tenor. In the event that any property or interest in property passing under this Will, by operation of law or otherwise by reason of my death shall be encumbered by mortgage or lien or shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that such indebtedness shall not be charged to or paid from my estate, but that the devisee, legatee, joint owner taking by survivorship or beneficiary receiving such property or interest shall take it subject to all encumbrances existing at the time of my death.

II

I direct that my Executor pay out of my Estate inheritance succession and other taxes (together with any penalties thereon)

Billie Alleen Kuhnel

OF
BILLIE ALLEEN KUHNEL

THE STATE OF TEXAS
COUNTY OF HARRIS

X
KNOW ALL MEN BY THESE PRESENTS:
X

That I, BILLIE ALLEEN KUHNEL, now domiciled in Harris County Texas, being in good health, of sound and disposing mind and memory, and over the age of eighteen (18) do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils and testamentary instruments of any nature heretofore made by me.

I

I direct that all of my just debts, including the cost of my last illness and my funeral expenses, including the cost of a suitable monument at my grave, be paid as soon as practicable after my death except that any debts which are payable in installments or are not due until at least one year from the date of my death need not be paid during the administration of my estate but may, if the terms of such debts permit, be continued and paid according to their tenor. In the event that any property or interest in property passing under this Will, by operation of law or otherwise by reason of my death shall be encumbered by mortgage or lien or shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that such indebtedness shall not be charged to or paid from my estate, but that the devisee, legatee, joint owner taking by survivorship or beneficiary receiving such property or interest shall take it subject to all encumbrances existing at the time of my death.

II

I direct that my Executor pay out of my Estate inheritance succession and other taxes (together with any penalties thereon) assessed by reason of my death by the Government of the United States

Billie Alleen Kuhn

or any state or territory thereof, in respect to all property required to be included in my gross estate or like tax purposes by any of such governments whether this property passes under this Will or otherwise, without contribution by any recipient of any such property.

III

I hereby give, bequeath and devise in fee simple all of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and where-soever situated, including all property which I may acquire or become entitled to after the execution of this Will, to my beloved husband, KENNETH ROY KUHNEL, if he survives me.

Should my beloved husband, KENNETH ROY KUHNEL, predecease me, then I give, bequeath and devise in fee simple all the property which I may die seized and possessed, as outlined in Paragraph III, to my beloved children PAUL ALLEN KUHNEL and BRIAN HEATH KUHNEL, and any other child or children born to or adopted by my beloved husband, KENNETH ROY KUHNEL and me, share and share alike.

IV

Should my beloved husband KENNETH ROY KUHNEL predecease me, I designate and appoint my cousin, GEORGE STURM, and his wife, of Karnes City, Texas, as Guardians of the Person and of the Estate of any of my children who is less than eighteen (18) years of age as to Guardian of the Person and Guardian of the Estate. It is my intent that Guardianship of the Person and of the Estate of PAUL ALLEN KUHNEL and/or BRIAN HEATH KUHNEL, and any other child born to or adopted by my beloved husband, KENNETH ROY KUHNEL, and me, shall exist until each child reaches the age of eighteen (18) years, at which time the proportional share of the child reaching the age of

eighteen (18) years shall be paid over to him or her, free of such Guardianships. In the event the said GEORGE STURM and his wife shall predecease me or shall fail, resign, or refuse to qualify as Guardian, I designate and appoint my brother, WILLIAM KILSON, JR. Guardian of the Person and of the Estate of any of my children

Witness My Hand

THE STATE OF TEXAS X
COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on this day personally appeared BILLIE ALLEN KUHNEL, Jackie Byer and Ann Zimmerman, known to me to be the testatrix and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, all of said persons being by me duly sworn, the said BILLIE ALLEN KUHNEL, testatrix, declared to me and to the said witnesses in my presence that said instrument is her Last Will and Testament, and that she had willingly made and executed it as her free act and deed for the purposes therein expressed; and the said witnesses, each on his oath stated to me, in the presence and hearing of the said testatrix, that the said testatrix had declared to them that said instrument is her Last Will and Testament, and that she executed same as such and wanted each of them to sign it as a witness, and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of the said testatrix and at her request; that she was at that time eighteen (18) years of age or over and was of sound mind; and that each of said witnesses was then at least fourteen (14) years of age.

Billie Allen Kuhnle
TESTATRIX
Jackie Byer
WITNESS
Ann Zimmerman
WITNESS

SUBSCRIBED AND ACKNOWLEDGED before me by the said BILLIE ALLEN KUHNEL, and subscribed and sworn to before me by the said Jackie Byer and Ann Zimmerman witnesses, this the 25th day of May, 1976.

Francis L. Whit
NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, TEXAS

Will

OF

BILLIE ALLEN KUHN

ANN M. ZIMMERER
Attorney at Law
803 Queens Road
Pasadena, Texas
Phone: 941-7831

June 22, 1999

Ron,

Thank you for helping me out. You are still heir to everything I have, if I should die. I can trust you to do right by Paul & Brian. I want them to have everything when you are through with it. Also if I should die and you want to sell the ranch, I promised Bubba they could have 1st chance to buy it.

If I ever have extra money I want to draw up a will or some kind of paper to this effect.

Also don't forget I want to be buried in the Bristle Cemetery, as close to Mom & Dad as possible.

Brian married Dina Halla on June 4, 1999. She has a 3 yr. old son, Joseph.
(over)

11/1/66 Thanks again.

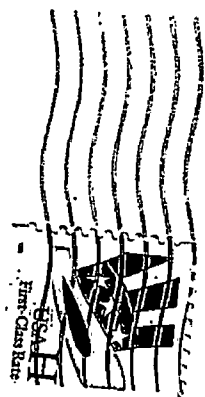
Love,

Billie

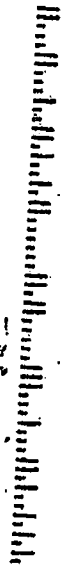
about 10:30 I went to the
to see the doctor and to get
my blood pressure checked. I
was a bit nervous but the
doctor was very kind and
friendly. He told me that
my blood pressure was
just what it should be.
I was very happy to hear
that. I will be back soon.
I will be back soon.

B. Kuhn
321 Wren
Pasadena, TX 77502

K. R. Kuhn
321 Brooktree
Spring, TX 77380-1617



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