

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

No. 464101

IN THE ESTATE OF
BILLIE NELSON KUHNEL,
DECEASED

§ IN THE PROBATE COURT
§
§ NO. 3
§
§ HARRIS COUNTY, TEXAS

APPLICATION FOR PARTITION AND DISTRIBUTION OF THE ESTATE

TO THE HONORABLE JUDGE OF SAID COURT:

DEVON ALLEN KUHNEL and PAUL ALLEN KUHNEL, Devisees under the Will of BILLIE NELSON KUHNEL, Deceased, ("Applicants") file this Application for Partition and Distribution of the Estate, and show:

I.

At least twelve (12) months have expired since the original grant of Letters Testamentary.

II.

The name of the person whose Estate is sought to be partitioned and distributed is BILLIE NELSON KUHNEL, Deceased ("Decedent").

III.

The names and residences of all persons entitled to shares of this Estate, and whether those persons are adults or minors, are as follows:

1. Name: DEVON ALLEN KUHNEL
Residence: 1602 Effie, Houston, Texas 77502
Status: Adult
2. Name: PAUL ALLEN KUHNEL
Residence: 1602 Effie, Houston, Texas 77502
Status: Adult

3. Name: BRIAN HEATH KUHNEL
Residence: 2602 White Falls Drive, Pearland, Texas 77584
Status: Adult
4. Name: KENNETH ROY KUHNEL
Residence: 3214 Brooktree Lane, Spring, Texas 77380
Status: Adult

IV.

The reasons why partition and distribution should be had is that:

1. About December 12, 2018, this Court after hearing on DEVON ALLEN KUHNEL's Motion to Compel Accounting and Distribution as filed on November 21, 2019, ordered BRIAN HEATH KUHNEL, Independent Executor, to submit an Accounting regarding this estate on or before January 15, 2020. BRIAN HEATH KUHNEL, Independent Executor, submitted an Accounting about January 15, 2020, but failed to disclose all known real and personal properties in the Accounting as required under Texas Estates Code 404.001.

2. The Decedent's estate continues to own the following real and personal property:

(a). Decedent's estate contains the following separate properties: nine (9) real properties in Atascosa County, Texas, twenty-one (21) mineral rights interests in Atascosa County, Texas, royalty check deposits, and possibly other assets, all of which must be distributed to the named persons as per the Will but may not be partitioned in kind. See **Exhibit A.**

(b). Decedent, at the time of her death, was married to KENNETH ROY KUHNEL. The community estate contains one (1) property in Montgomery County, Texas, described as: Timber Lakes 01, Lot 94, more commonly known as 3214 Brooktree Lane, Spring, Texas 77380. See **Exhibit B.**

3. BRIAN HEATH KUHNEL, Independent Executor, ceased tendering distributions to the named persons under the Will in 2020 and has not distributed real and/or personal properties as per Decedent's Will. Decedent's Will instructed the independent executor, to distribute the residue of the estate in equal shares to the named beneficiaries per paragraph three (3), section "B" of the Will. **See Exhibit C.** Further, paragraph six (6), section "A" of the Will as well as the Texas Estates Code section 405.0015 grants an independent executor authority to sell properties not specifically devised per the will to perfect distributions to devisees named in the will.

4. BRIAN HEATH KUHNEL, Independent Executor, paid debts from the Estate inconsistent with the order of classifications for claims as required by the Texas Estates Code sections 403.051 and 355.102 and the Estate may have higher priority claims still outstanding with added penalties and interests decreasing the value of the inheritance for each devisee under Decedent's Will. **See Exhibit D.**

5. This estate has continued for more than four (4) years, and possibly without end, to the detriment of DEVON ALLEN KUHNEL and PAUL ALLEN KUHNEL, devisees under the Will. The current nature, composition, and status of Decedent's estate is unknown, and communications and disclosures from BRIAN HEATH KUHNEL, Independent Executor are nonexistent.

6. Further, assets may be squandered, disposed of, sold, or otherwise removed without DEVON ALLEN KUHNEL's and PAUL ALLEN KUHNEL's knowledge by BRIAN HEATH KUHNEL, Independent Executor, who is also a named devisee under the Will.

7. DEVON ALLEN KUHNEL and PAUL ALLEN KUHNEL, devisees under the Will, seek their rightful share under Decedent's Will and the end of the administration of this estate.

V.

It is necessary for the Independent Executor to retain only sufficient funds to pay any Texas Estates Code 355.102 debts and taxes, and the probable future expenses of administration.

WHEREFORE, Applicants request that citation be issued and served as required by law, that the Court enter an Order directing that the Independent Executor retain an amount sufficient to pay all debts, taxes, and expenses of administration, and that the assets of the Estate be distributed to the persons entitled to receive them.

Respectfully submitted,

/s/Devon Allen Kuhnel

DEVON ALLEN KUHNEL, Applicant

/s/Paul Allen Kuhnel

PAUL ALLEN KUHNEL, Applicant



CHRISTY K. BROWN

Attorney for DEVON ALLEN KUHNEL and PAUL ALLEN KUHNEL

State Bar No.: 24045567

5850 San Felipe Street, Suite 500

Houston, TX 77057

Telephone: (713) 554-4975

Facsimile: (713) 554-4974

E-mail: christy@thetituslawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Application for Partition and Distribution has been served in accordance with Rules 21a of the Texas Rules of Civil Procedure on the following on November 14, 2022.

Jorge Borunda, attorney of record, by electronic filing manager/email at jorge@borundapc.com.

Adam W. Fomby, attorney of record, by electronic filing manager/email at adam@fombylaw.com.

Kenneth Roy Kuhnel
3214 Brooktree Lane
Spring, Texas 77380

Via Certified Mail

Return Receipt Requested: 7017 0530 0000 2363 6694

Via Regular Mail



CHRISTY K. BROWN

Attorney for DEVON ALLEN KUHNEL and PAUL
ALLEN KUHNEL

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Exhibit A

Property ID	Geographic ID	Type	Property Address	Legal Description	Owner Name	Appraised Value
32654	03250-00-000-105400	Real	CR 424 TX	S S FARMS LOT 1054 10.	KUHNEL BILLIE ALLEEN ESTATE	\$25,000.00
174347	011000199000R004683	Mineral		11000199000HURT W T ET AL -A-XTO ENERGY INC.RI0.01562500AB 69 /KENDALLIS BRYAN 1/2 LGE SUR	KUHNEL BILLIE ALLEEN ESTATE	\$-
179370	010016834000R004683	Mineral		10016834000KINSLEY UNITMURPHY EXPL. & PROD. CO. - USARIO.00034520AB 70 /D BRISTER SUR	KUHNEL BILLIE ALLEEN ESTATE	\$102.00
179395	010016850000R004683	Mineral		10016850000BERTA UNITMURPHY EXPL. & PROD. CO. - USARIO.00532032AB 70 /D BRISTER SUR	KUHNEL BILLIE ALLEEN ESTATE	\$2,348.00
185679	010795942000R001509	Mineral		10795942000OSTRICH UNITEOG RESOURCES INCRI0.00031613POITEVENT, J/MUSGROVE, B 8	KUHNEL BILLIE ALLEEN ESTATE	\$158.00
186296	010017816000R001534	Mineral		10017816000PIPES UNIT 1HEOG RESOURCES INCRI0.01615010JENNINGS, J D SUR SEC 1313	KUHNEL BILLIE ALLEEN ESTATE	\$18,738.00
186869	010792512000R001503	Mineral		10792512000KUHNEL UNITEOG RESOURCES INCRI0.066229991&GN RR CO 1724	KUHNEL BILLIE ALLEEN ESTATE	\$192,883.00
187488	010017632000R001543	Mineral		10017632000WILLIE NELSON UNIT 1HEOG RESOURCES INCRI0.03792823JENNINGS, J D SUR, SEC 1313	KUHNEL BILLIE ALLEEN ESTATE	\$8,663.00
202057	011117342000R001921	Mineral		11143195000HURT W T ET AL WL#8UXTO ENERGY INC.RI0.01562500AB 69 /BRYAN KINDALLIS SUR	KUHNEL BILLIE ALLEEN ESTATE	\$-
202088	01970-00-000-359900	Real	E AVE L TX	CHRISTINE LOT 3599 0.0803	KUHNEL BILLIE ALLEEN ESTATE	\$1,610.00
202089	01970-00-000-359901	Real	E AVE L TX	CHRISTINE LOT 3599 .0803, Undivided Interest 50.000000000000%	KUHNEL BILLIE ALLEEN ESTATE	\$805.00
202095	03250-00-000-102201	Real	2929 CR 424 TX	S S FARMS LOT PT/1022 & 1023, ALL/1034-1046,1048-1053,1055-1067, 919.39 1069-1072,1074,1075,1077-1117,1119-1126,1128,1129,1178,1113.5	KUHNEL BILLIE ALLEEN ESTATE	\$2,333,700.00
202096	03250-00-000-102206	Real	2929 CR 424 TX	S S FARMS LOT PT/1022 & 1023, ALL/1034-1046,1048-1053,1055-1067, 919.39 1069-1072,1074,1075,1077-1117,1119-1126,1128,1129,1178,1113.5, Undivided Interest 50.000000000000%	KUHNEL BILLIE ALLEEN ESTATE	\$1,166,850.00
208645	03250-00-000-104700	Real	CR 424 TX	S S FARMS LOT 1047 10.	KUHNEL BILLIE ALLEEN ESTATE	\$25,000.00
208646	03250-00-000-104701	Real	CR 424 TX	S S FARMS LOT 1047 10.0, Undivided Interest 50.000000000000%	KUHNEL BILLIE ALLEEN ESTATE	\$12,500.00
215508	03250-00-000-102202	Real	2929 CR 424 TX	S S FARMS LOT 1048 & 1049 (part of) 2.0	KUHNEL BILLIE ALLEEN ESTATE	\$85,600.00
215509	03250-00-000-102208	Real	2929 CR 424 TX	S S FARMS LOT 1048 & 1049 (part of) 2.0, Undivided Interest 50.000000000000%	KUHNEL BILLIE ALLEEN ESTATE	\$42,800.00
217966	010019939000R19076	Mineral		10019939000W T HURT UNITXTO ENERGY INCRI0.02112672BRYAN, K	KUHNEL BILLIE ALLEEN ESTATE	\$261,534.00
218057	020011866000R19076	Mineral		20011866000W T HURT UNIT ACXTO ENERGY INCRI0.02112672BRYAN, K	KUHNEL BILLIE ALLEEN ESTATE	\$15,041.00

20082633	011225589000R005843	Mineral		11225589000HURT W T ET AL #12 (225589)XTO ENERGY INC.RIO.01562500AB1369 /BRYAN K SUR	KUHNEL BILLIE ALLEEN ESTATE	\$-
20082634	011225592000R005843	Mineral		11225592000HURT W T ET AL #11 (225592)XTO ENERGY INC.RIO.01562500AB1369 /BRYAN K SUR	KUHNEL BILLIE ALLEEN ESTATE	\$5,190.00
20083035	011231980000R005843	Mineral		11231980000HURT, W.T. ET AL #13XTO ENERGY INC.RIO.01562500AB1369 /BRYAN K SUR	KUHNEL BILLIE ALLEEN ESTATE	\$-
20505773	011053094000R005843	Mineral		11053094000HURT W T ET AL WL #3RXTO ENERGY INC.RIO.01562500AB 69 /BRYAN KINDALLIS SUR	KUHNEL BILLIE ALLEEN ESTATE	\$-
20506517	011091757000R005843	Mineral		11091757000HURT W T ET AL WL #4XTO ENERGY INC.RIO.01562500AB 69 /BRYAN KINDALLIS SUR	KUHNEL BILLIE ALLEEN ESTATE	\$8,588.00
20506601	011097642000R005843	Mineral		11097642000HURT W T ET AL WL #5XTO ENERGY INC.RIO.01562500AB 69 /BRYAN KINDALLIS SUR	KUHNEL BILLIE ALLEEN ESTATE	\$6,031.00
20507085	011117043000R005843	Mineral		11117043000HURT W T ET AL WL#6XTO ENERGY INC.RIO.01562500AB 69 /BRYAN KINDALLIS SUR	KUHNEL BILLIE ALLEEN ESTATE	\$-
20507162	011117342000R005843	Mineral		11117342000HURT W T ET AL WL#7XTO ENERGY INC.RIO.01562500AB 69 /KINDALLIS BRYAN SUR	KUHNEL BILLIE ALLEEN ESTATE	\$12,271.00
20507747	011156648000R005843	Mineral		11156648000HURT W T ET AL WL#9XTO ENERGY INC.RIO.01562500AB 69 /KINDALLIS BRYAN #143 SUR	KUHNEL BILLIE ALLEEN ESTATE	\$9,013.00
20508183	011185508000R005843	Mineral		11185508000HURT W T ET AL WL#10XTO ENERGY INC.RIO.01562500AB 69 /KINDALLIS BRYAN #143 SUR	KUHNEL BILLIE ALLEEN ESTATE	\$6,314.00

Exhibit B

8924498

GENERAL WARRANTY DEED

THE STATE OF TEXAS :
COUNTY OF MONTGOMERY : KNOW ALL MEN BY THESE PRESENTS:

THAT DAVID E. MCBRIDE, JR. AND SPOUSE, JUDITH MCBRIDE

of MONTGOMERY County, Texas, hereinafter called "Grantor" (whether one or more), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by KENNETH ROY KUHNEL AND SPOUSE, BILLIE ALLEEN KUHNEL :

of MONTGOMERY County, Texas, hereinafter called "Grantee" (whether one or more), whose mailing address is 3214 BROOKTREE LANE, SPRING, TEXAS 77380 the receipt and sufficiency of which are hereby acknowledged and confessed, and for the further consideration of the execution and delivery by said Grantee of one certain Promissory Note in the principal sum of FIFTY TWO THOUSAND SEVEN HUNDRED FIFTY AND NO / 100----- DOLLARS (\$ 52,750.00), bearing even date herewith, payable to the order of HOME TRUST COMPANY hereinafter called "Mortgagee", bearing interest at the rate therein provided; said Note containing an attorney's fee clause and various acceleration of maturity clauses in case of default, and being secured by Vendor's Lien and Superior Title retained herein in favor of said Grantor and assigned to Mortgagee, and also being secured by a Deed of Trust of even date herewith from Grantee to GEORGE M. SHANKS, JR. Trustee; and

WHEREAS, Mortgagee has, at the special instance and request of Grantee, paid to Grantor \$ 52,750.00 of the purchase price of the property hereinafter described, as evidenced by the above described Note, said Vendor's Lien and Superior Title against said property securing the payment of said Note are hereby assigned, transferred and delivered without recourse to Mortgagee, Grantor hereby conveying to said Mortgagee the said Superior Title to said property, subrogating said Mortgagee to all the rights and remedies of Grantor in the premises by virtue of said lien;

And Grantor has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto said Grantee, the following described real property, to-wit:

LOT NINETY FOUR (94), TIMBER LAKES, SECTION ONE (1), A SUBDIVISION OF 170.72 ACRES OF LAND IN THE J. L. STANLEY, ABSTRACT NO. 495 AND THE HARRY SIGEL SURVEY, ABSTRACT NO. 796, OF MONTGOMERY COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 6, PAGE 35 OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereunto in anywise belonging unto said Grantee, his heirs and assigns FOREVER. Grantor does hereby bind himself, his heirs, executors and administrators, TO WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

600-01-1375

This Deed is executed, delivered and accepted subject to all and singular any liens securing the payment of any debt created or assumed in connection herewith and described herein, ad valorem taxes for the current and all subsequent years, taxes for subsequent assessments for the current and prior years due to changes in land usage, ownership, or both, zoning ordinances and utility district assessments, if any, applicable to and enforceable against the above described property, and all valid easements, restrictions, mineral reservations and maintenance fund liens, if any, applicable to and enforceable against the above described property as shown by the Records of the County Clerk of the County in which said real property is located.

But it is expressly agreed that the Grantor herein reserves and retains for himself, his heirs and assigns, a VENDOR'S LIEN, as well as the Superior Title, against the above described property, premises and improvements, until the above-described Note and all interest thereon have been fully paid according to the terms thereof, when this Deed shall become absolute.

When this Deed is executed by more than one person, or when the Grantee is more than one person, the instrument shall read as though pertinent verbs, nouns and pronouns were changed correspondingly, and when executed by or to a corporation, the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "successors and assigns." Reference to any gender shall include either gender and, in the case of a corporation, shall include the neuter gender, all as the case may be.

EXECUTED this the 31ST day of MAY, 19 89 .

FILED FOR RECORD

89 JUN -9 AM 9:14

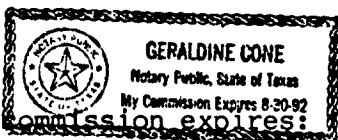
Roy Harris
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

David E. McBride Jr.
DAVID E. MCBRIDE, JR.

Judith McBride
JUDITH MCBRIDE

THE STATE OF *Texas* :
COUNTY OF *Harris* :

This instrument was acknowledged before me on the 31st day of MAY 19 89, by DAVID E. MCBRIDE, JR. AND SPOUSE, JUDITH MCBRIDE



My

Geraldine Cone
NOTARY PUBLIC

Notary's Name (printed)

THE STATE OF :
COUNTY OF :

STATE OF TEXAS
COUNTY OF MONTGOMERY)
I hereby certify that this instrument was filed
in File Number Sequence on the date and at the
time stamped hereon by me, and was duly RECORDED
in the official Public Records of Real Property of
Montgomery County, Texas.

This instrument was acknowledged before me on the 9th day of JUNE 19 1989, by

on behalf of said



Roy Harris
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

NOTARY PUBLIC

My commission expires:

RETURN ORIGINAL TO: Notary's Name (printed)
KENNETH ROY KUHNEL AND SPOUSE, BILLIE ALLEN KUHNEL
721 Heron
Pasadena, Texas 77502

MontgomeryTX County**Search Criteria:** Search Type: All Names; Name: Kuhnel kenneth; Remove Non-AlphaNumeric Characters: true**Displaying 1-6 of 6 Items**

File #	Book Page	Recorded	Doc Type	Image Code	Searched Name	Other Name	Lot	Block	Subdivision	Acreage	Land Comment
✓ 2008095485		09/26/2008	RELEASE OF LIEN	646-11-0039	GTE KUHNEL KENNETH ROY	+ GTR CHASE HOME FINANCE LLC	+ 94		TIMBER LAKES		L94 TIMBER LAKES S1 A495 +
✓ 99009771		02/09/1999	ASSIGNMENT	493-00-1175	GTR KUHNEL KENNETH ROY	+ GTE CHASE MORTGAGE CO					FILE #9356529 REAL PROPERTY +
✓ 9356529		10/21/1993	DEED OF TRUST	920-01-0352	GTR KUHNEL KENNETH ROY	+ GTE SHANKS GEORGE M JR	+ 94				L94 TIMBER LAKES S1 A495,A796 +
✓ 8924498		06/09/1989	WARRANTY DEED W/VENDORS LIEN	600-01-1374	GTE KUHNEL KENNETH ROY & BILLIE ALLEEN	GTR MCBRIDE DAVID E JR & JUDITH	94				L94 TIMBER LAKES S1 A495,A796 +
✓ 8924499		06/09/1989	DEED OF TRUST	600-01-1376	GTR KUHNEL KENNETH ROY & BILLIE ALLEEN	GTE HOME TRUST CO	+ 94				L94 TIMBER LAKES S1 A495,A796 +
✓ 8924500		06/09/1989	NOTICE	600-01-1382	GTE KUHNEL KENNETH ROY & BILLIE ALLEEN	GTR MCBRIDE DAVID E JR & JUDITH	94				L94 TIMBER LAKES S1 A495,A796 +

Exhibit C

UNOFFICIAL COPY

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WILL

OF

BILLIE NELSON KUHNEL

2010 FEB 16 PM 2:39

FILED

J. H. Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

I, Billie Nelson Kuhnel, of the County of Harris 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 Will, 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 married but estranged from my husband Kenneth Roy Kuhnel and I have two children, namely, Paul Allen Kuhnel, Brian Heath Kuhnel and Devon Allen Kuhnel my grandson.

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 any interest I may have in the real property that Kenneth Roy Kuhnel is living in and/or has exclusive control over to Kenneth Roy Kuhnel in exchange for Kenneth Roy Kuhnel waiving any interest he may have in the real property located at 721 Heron, Pasadena, Texas 77502 and the rest of my estate.

B. I give, devise and bequeath all of the rest of my estate to my children Paul Allen Kuhnel, Brian Heath Kuhnel and my grandchild Devon Allen Kuhnel, in equal shares; provided, however, that if a child or grandchild 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 or grandchild would have taken by surviving me, or if none is then living, then said share shall be distributed, in equal shares, to my then living children or their issue per stirpes.

C. Any other property of mine that has not been disposed of under any other provision of

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Initial

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.

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 son, Brian Allen Kuhnel, as Independent Executor of my estate. In the event that my son, Brian Allen Kuhnel, 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 grandson, Devon Allen Kuhnel, as Independent Executor, and all the powers, duties and responsibilities granted and imposed upon Brian Allen Kuhnel shall devolve upon and be exercised by Devon Allen Kuhnel.

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.

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

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Initial

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.

IN TERROREM CLAUSE

If any beneficiary under this Will shall in any manner contest or attack this Will or any of its provisions, any share or interest in my estate given to such beneficiary under this Will is hereby revoked and shall be disposed of as part of the residue of my estate, unless in a court action determining whether the forfeiture clause should be enforced, the person who brought the action contrary to the forfeiture clause establishes by a preponderance of the evidence that just cause exists for bringing the action and the action was brought and maintained in good faith.

IX.

DEFINITIONS AND INTERPRETATIONS

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

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Initial

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 devises, cloud storage, any type of cellular phone, wearable technology and any similar devise 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 his successors regardless of the gender of the successors.

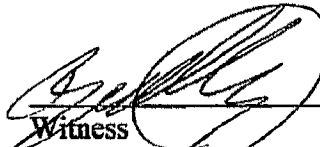
E. This Will shall be probated in accordance with the laws of Texas, and should any provisions of the same be held unenforceable or invalid for any reason, the unenforceability or invalidity of said provision shall not affect the enforceability or validity of any other part of this Will.

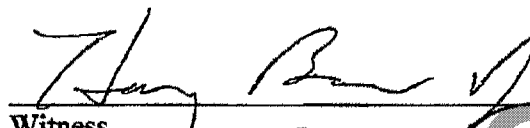
I, Billie Nelson Kuhnel, as Testatrix, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority that this instrument is my Will, that I have willingly made and executed it in the presence of the undersigned witnesses, all of whom were present at the same time, as 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 27 day of October, 2017.

Billie Nelson Kuhnel
Billie Nelson Kuhnel, Testatrix

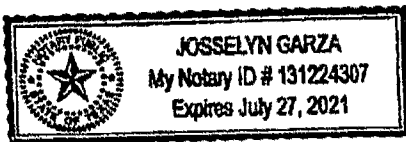
BK
Initial

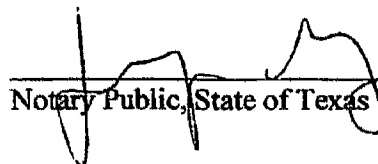
The undersigned Brittany Giddens Burns and Harvey Burns Jr., each being above fourteen years of age, after being duly sworn, declare to the Testatrix and to the undersigned authority that the Testatrix declared to us that this instrument is the Testatrix's Will and that the Testatrix requested us to 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 27th day of October, 2017.


Witness
3009 Strawberry Rd.
Pasadena, TX 77502


Witness
3009 Strawberry Rd.
Pasadena, TX 77502

SUBSCRIBED AND SWORN TO BEFORE ME by the said Billie Nelson Kuhnel, Testatrix, and by the said Brittany Giddens-Burns and Harvey Burns Jr. Witnesses, this 27th day of October, 2017.




Notary Public, State of Texas

PREPARED IN THE OFFICE OF:
Giddens & Burns
3009 Strawberry Rd.
Pasadena, TX 77502
(713) 947-0001

BK

Initial

Exhibit D

between William Smith Nelson, JR. and Billie Alleen Nelson Kuhnel, both now deceased.

4. 1.4 Certain payments were received by the Estate and that allow the Estate to operate and pay taxes and debts, taxes and debts paid will be listed further.

II. The Disposition

The following disposition per (2) of Section 404.001 has been made or is needed to be made:

2.1 Vehicle #1 was sold on special terms for \$6,500.00 to assist the Estate to pay debts, medical bills of last illness of the deceased, funeral expenses and to secure the safety of mineral assets of the Estate. Said Vehicle appeared to be a secured debt with estimated value of \$15,466.32 due to Wells Fargo. The said debt was paid by the Independent Executor and discharged later during the administration when funds became available.

2.2 Vehicle # 2 as of present remains in the possession of Devon Kuhnel, and despite numerous attempts to transfer title to Devon, said vehicle remain in Devon's hands and its whereabouts and the condition is unknown. This vehicle is the liability, presently potentially uninsured and unregistered. Because of Devon Kuhnel's obstruction of my duties, I, as Independent Executor, do treat this asset as a distribution to Devon Kuhnel and am ready at any time to sign the title over.

2.3. Toyota Sienna also was not presented by Devon to me for proper transfer and disposition; and therefore, I treat the value of the car as a distribution to Devon Kuhnel, the beneficiary of the Estate.

2.4 No other property is being disposed.

III. The Debts that Have been paid

3.1 Funeral expenses

3.2 Medical expenses

3.3 Due and Past due Taxes on the Land and Mineral Rights

3.4 Chevy Camaro

3.5 BestBuy credit card

3.6 Taxes on income in 2018 - \$100,572.00

464. 101

Exhibit A. p-2

3.7 Taxes on house @ 721 Heron Lane, Pasadena, TX77502-3526

IV The Debts and Expenses, if any still owing by the Estate

4.1 At the time of Billie's death the created estate was in a very bad shape and practically INSOLVENT. IF ALL ASSETS OF THE ESTATE AS OF THE TIME OF BILLIE ALLEEN NELSON KUHNEL DEATH TO BE SOLD, IT WOULD NOT COVER ALL THE DEBTS OF THE ESTATE.

4.2 Atascosa County taxes on the Mineral Rights and the land were not paid, some since 2014, some since 2015, some since 2016. The Independent Executor invested significant time and needed finances to do research and mitigate the damages. Thus, taxes only on the property ID 32651 as an example mounted to \$49,598.20 as of May 2018. Delinquent Notice is enclosed for your attention. The Independent Executor paid and brought all taxes to Atascosa County to current status, and thus protected the Inheritance.

4.3 Taxes to United States Treasury/ Income Taxes we're not paid by Billie, her son Paul and grandson Devon and other adults living with her since 2015.

4.3.1 Amount owed to IRS for 2015 is \$383,680.02

4.3.2 Amount owed to IRS for 2016 was \$69,654 as of the date of filing which was 10/17/2017 when Devon Kuhnelt withdrew almost every month - October, November, December 2017 and January 2018 about \$15,000.00 - \$17,000.00 per month, thus preventing Billie from paying taxes, and assisting in braking Billie's agreement with IRS for monthly payments. Devon had Power of Attorney at this time.

4.3.3 Amount owed to IRS for 2017 is TBD, and will be clarified at a later date when IRS will provide requested information. Notwithstanding that fact, estimated responsibility to IRS expected to be greater than \$70,000.00

V. What is remaining

1. All the property listed in the Approved Inventory is still in the possession of the Executor except Vehicles 1,2,3. Vehicle 1 was sold for the benefit of the Estate; Vehicle 2 and 3 are in possession of Devon Kuhnelt and are being treated as a distribution to Devon Kuhnelt.

464.101.

Exhibit A: p.3

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Elpatrick Russo on behalf of Christy Brown
Bar No. 24045567
elpatrick@thetituslawfirm.com
Envelope ID: 70187470
Status as of 11/16/2022 10:51 AM CST

Associated Case Party: BrianHeathKuhnel

Name	BarNumber	Email	TimestampSubmitted	Status
Jorge Borunda		jorge@borundapc.com	11/15/2022 12:57:06 PM	SENT
Adam Fomby		adam@fombylaw.com	11/15/2022 12:57:06 PM	SENT

Associated Case Party: DevonAllenKuhnel

Name	BarNumber	Email	TimestampSubmitted	Status
Christy KBrown Moton		christy@thetituslawfirm.com	11/15/2022 12:57:06 PM	SENT