

Cause No. _____

Estate of	§	In the County Court-at-Law
	§	
_____ ,	§	No. _____
	§	
Deceased	§	Fort Bend County, Texas

**Affidavit Waiving Citation
for Probate of a Copy of a Lost Will or Codicil
or Probate of a Lost Will or Codicil without a Copy**

STATE OF _____

COUNTY OF _____

I, _____, am an heir or devisee (beneficiary) of _____, the “Decedent” in this case.

I have been given (1) a copy of the **Application for Probate of a Copy of a Will** that has been filed in this case and (2) a copy of the lost will dated _____ (insert date of will) that the applicant is seeking to have probated.

I understand that in this case, an application has been filed in Decedent’s estate to probate a written will even though the applicant cannot produce the original will.

I understand that when an original will cannot be produced, the law presumes the testator (the person who wrote the will) revoked the will before the testator’s death.

I understand that the Court will not grant the application to probate the lost will in this case unless the applicant offers enough evidence to rebut that presumption and prove to the Court that the will was not revoked even though only a copy of the will may exist.

I understand that as one of Decedent’s heirs – or as one of the people who is named as a devisee (beneficiary) in the lost will– my rights to inherit property may be affected if the lost will is probated. If no will is admitted to probate, Decedent’ property will pass to Decedent’s heirs.

Although I understand I have a right to object to the probate of a lost will, with or without a copy, I do not object to the probate of the lost Will.

I know that the person who sent me this affidavit (along with a copy of the application and the will) is the applicant’s attorney. And I know that the applicant’s attorney does not represent me in this matter. I am aware that before I sign this affidavit waiving citation, I may consult my own attorney to advise me regarding this estate or the affidavit.

By signing this affidavit waiving citation, I enter my appearance in this case for all purposes, and I waive the issuance and service of process. I agree that the case may be considered by the Court without further notice to me.

I have signed this affidavit voluntarily, without fraud, duress, or threat by any person.

Signed and sworn to on _____, 20____.

Signature of Affiant

Printed Name of Affiant

Signed and sworn to under oath before me on the _____, 20____,
by _____(printed name of affiant).

Notary Public, State of _____

My Commission Expires: _____