

**In The Probate Court  
Of  
El Paso County, Texas**

IN RE: ESTATE OF

\*\*\*\*\*

Cause Number 200(((((((

# Last Will and Testament

Wife

I, [redacted] presently residing at #85-Cov. [redacted] BLOOMFIELD, N.M., do hereby make, publish and declare this to be my Last Will and Testament and do hereby revoke any and all other Wills and Codicils heretofore made by me.

First. I am married to [redacted]

Second. I order and direct that my just debts and funeral expenses, expenses for administration of my estate and any inheritance and succession taxes, state or federal, upon my estate shall be paid as soon after my death as may be practical.

Third. I give all my estate to my husband. In the event that my said husband shall predecease me or fails to survive me for sixty (60) days, I give all my estate to my child, [redacted]

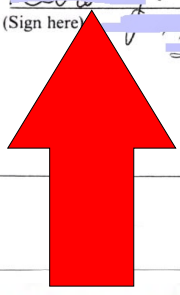
Fourth. I nominate and appoint my husband as Executor of this Will. In the event that my husband shall predecease me or fails to survive me or fails to serve as such Executor then in such event, I nominate and appoint

[redacted], Executor/Executrix of this my Last Will and Testament. I further direct that no appointee hereunder shall be required to give any bond for the faithful performance of his/her duties.

Fifth. I hereby authorize my Executor/Executrix to exercise all the powers, rights, discretions, duties and immunities conferred upon fiduciaries to the extent permitted by law with full power to sell, lease, mortgage, invest, reinvest, or otherwise dispose of the assets of my estate.

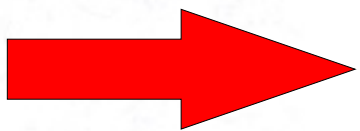
I subscribe my name to this Will this 8 Day of JANUARY, 19 92 at Bloomfield, N.M.

[redacted signature]  
(Sign here)



Signed, sealed, published and declared to be her Last Will and Testament by the within named Testator in the presence of us, who in her presence and at her request, and in the presence of each other, have hereunto subscribed our names as witnesses:

- (1) \_\_\_\_\_ of Bloomfield, N.M.  
(City) (State)
- (2) \_\_\_\_\_ of Bloomfield N. Mex.  
(City) (State)
- (3) \_\_\_\_\_ of Bloomfield N.M.  
(City) (State)



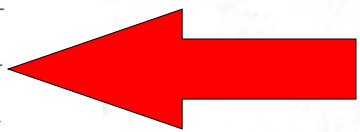
### Affidavit

State of NEW MEXICO ) City  
or  
County of SAN JUAN ) Town BLOOMFIELD

Personally appeared (1) A. \_\_\_\_\_

(2) \_\_\_\_\_ and (3) \_\_\_\_\_  
who being duly sworn, depose and say that they attested the said Will and they subscribed the same at the request and in the presence of the said Testator and in the presence of each other, and the said Testator, signed said Will in their presence and acknowledged that she had signed said Will and declared the same to be her Last Will and Testament, and deponents further state that at the time of the execution of said Will the said Testator appeared to be of lawful age and sound mind and memory and there was no evidence of undue influence. The deponents make this Affidavit at the request of the Testator.

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_



Subscribed and sworn to before me this 8TH day of JANUARY, 19 92.

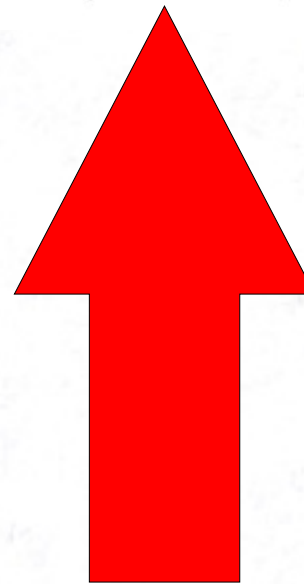
\_\_\_\_\_  
(Notary Public)

MY COMMISSION EXPIRES 26-93

(Notary Seal)



**Third.** I give all my estate to my husband. In the event that my said husband shall predecease me or fails to survive me for sixty (60) days, I give all my estate to my child, ~~\_\_\_\_\_~~



I subscribe my name to this Will this 8 Day of JANUARY, 19 92

at Bloomfield

N.M.

(Sign here)

[Redacted Signature]  
[Redacted Name]  
[Redacted Address]

Signed, sealed, published and declared to be her Last Will and Testament by the within named Testator in the presence of us, who in her presence and at her request, and in the presence of each other, have hereunto subscribed our names as witnesses:

- (1) \_\_\_\_\_ of Bloomfield, N.M.  
(City) (State)
- (2) \_\_\_\_\_ of Bloomfield N.Mex.  
(City) (State)
- (3) \_\_\_\_\_ of Bloomfield N.M.  
(City) (State)

# Affidavit

State of NEW MEXICO ) City  
or  
County of SAN JUAN ) Town BLOOMFIELD

Personally appeared (1) [REDACTED]

(2) [REDACTED] and (3) [REDACTED]

who being duly sworn, depose and say that they attested the said Will and they subscribed the same at the request and in the presence of the said Testator and in the presence of each other, and the said Testator, signed said Will in their presence and acknowledged that she had signed said Will and declared the same to be her Last Will and Testament, and deponents further state that at the time of the execution of said Will the said Testator appeared to be of lawful age and sound mind and memory and there was no evidence of fraud or influence. The deponents make this Affidavit at the request of the Testator

(1) [REDACTED]

(2) [REDACTED]

(3) [REDACTED]

Subscribed and sworn to before me this 8TH day of JANUARY, 19 92.

[REDACTED]  
(Notary Public)

MY COMMISSION EXPIRES 01-26-93

## Jury Charge Undue Influence

Do you find from a preponderance of the evidence that the Decedent signed the Purported Will as the result of undue influence exerted by any person?

Answer: ``We Do'' or ``We do not.''

ANSWER: WE DO NOT!



**INSTRUCTION:** You are instructed that undue influence means the influence or dominion by excessive importunities, imposition, or fraud, exercised at the time of the making of a will, that destroys the testator's free agency and overcomes her wishes in regard to the disposition of her property to such an extent that the will does not in fact express her wishes as to the disposition of her property, but rather expresses the wishes of the person exercising the influence.

**SOURCE:**

*Mason v. Mason*, 369 S.W.2d 829 , 838 (Civ. App.--Austin 1963, ref. n.r.e.)--definition of `undue influence.

