

No. 2020PB7000124L1

The State of Texas,

In County Court,

County of Webb

Webb County, Texas

Letters Testamentary

I, the undersigned clerk of the County Court of Webb County Texas, do hereby certify that **on this the 18th day of December, 2020 Mildred Jean Leyendecker**, was duly granted by said Court Letters Testamentary upon the Estate of **Randall E. Leyendecker, (DECEASED)** and that **SHE** qualified as **INDEPENDENT EXECUTOR** of said estate **on the 18th day of December, 2020**. As the law requires, and that said appointment is still in full force and effect.

Given under my hand and seal of office at Webb County, Texas

On the 15th day of April, 2021

Margie Ramirez Ibarra, Webb County Clerk

County Court Webb County, Texas



By: _____

Martin Lopez, Deputy Clerk

MARGIE R. IBARRA
COUNTY CLERK
FILED

2020 DEC 18 PM 3: 58

CAUSE NO. 2020PB7000124L1

IN THE ESTATE OF
RANDALL E. LEYENDECKER,
DECEASED

§ IN COUNTY COURT AT LAW,
§ WEBB COUNTY, TEXAS
§ NO. 1
§
§ WEBB COUNTY, TEXAS

BY [Signature] DEPUTY

**ORDER PROBATING WILL AND
AUTHORIZING LETTERS TESTAMENTARY**

On this day came on to be heard the Application filed herein by Mildred Jean Leyendecker on November 9, 2020, for the probate of the Will of Randall E. Leyendecker, hereinafter called Decedent, and for the issuance of Letters Testamentary.

The Court, after having heard and considered the evidence, finds that legal notices of the filing of said Application have been issued and posted in the manner and for the length of time required by law, and no one came to contest same; and it further appearing that said Will was executed on December 8, 2014, with the formalities and solemnities and under the circumstances required by law to make it a valid Will, was self-proved according to law during the lifetime of said Decedent; that such Will has not been revoked by Decedent; that Decedent died at Laredo, Webb County, Texas on July 27, 2020; that this Court has jurisdiction and venue over the estate because Decedent was domiciled in Texas and had a fixed place of residence in Webb County, Texas at the time of his death; that four years have not elapsed since the death of Decedent or prior to the said Application; that a necessity exists for the administration of this estate; that no state, governmental agency of the state, nor charitable organization is named by the Will as a devisee; that Decedent's Will named Mildred Jean Leyendecker to serve as Independent Executor to act independently without bond or other security, and the said Mildred Jean Leyendecker is not disqualified by law from serving as such or from accepting Letters Testamentary, and is entitled to such letters.

IT IS THEREFORE ORDERED AND DECREED by the Court that said Will is hereby proved and established and admitted to probate and recorded as the **WILL** of said Randall E. Leyendecker, Deceased, and that Mildred Jean Leyendecker be, and is hereby appointed Independent Executor of said Will and Estate without bond.

IT IS FURTHER ORDERED by the Court that Letters Testamentary upon the Will and Estate of Randall E. Leyendecker, Deceased, be and the same are hereby granted, that the Clerk shall issue said Letters Testamentary to Mildred Jean Leyendecker, as Independent Executor, when qualified according to law, and that no other action shall be had in this Court other than the return of an Inventory, Appraisement and List of Claims, or an affidavit in lieu of the Inventory, Appraisement and List of Claims, as required by law and the notice to distributees required by Section 308.001 et seq. of the Texas Estates Code. Mildred Jean Leyendecker may sell the property of Decedent upon the consent of the distributees who are to receive any interest in the property. No appraisers are necessary at this time.

SIGNED this 18th day of Dec, 2020.



JUDGE PRESIDING

APPROVED AS TO FORM:

THE LAW OFFICE OF CLAUDIA LANESE GARCIA, P.L.L.C.
7913 McPherson Road, Suite 103
Laredo, Texas 78045
Tel.: (956) 753-0003
Fax: (956) 753-0004
Email: garcia@txlawfirm.net

BY: /s/ Claudia Lanese Garcia
CLAUDIA LANESE GARCIA
Texas State Bar No. 00794139

STATE OF TEXAS
CERTIFICATION OF VITAL RECORD

DEPARTMENT OF STATE HEALTH SERVICES
VITAL STATISTICS

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS
Aug 07 2020

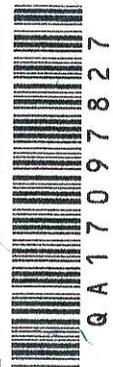
STATE OF TEXAS CERTIFICATE OF DEATH STATE FILE NUMBER 142-20-133121

1. LEGAL NAME OF DECEASED (Include AKA's, if any) (First, Middle, Last) RANDALL E. LEYENDECKER				(Before Marriage)		2. DATE OF DEATH - ACTUAL OR PRESUMED (mm-dd-yyyy) JULY 27, 2020	
3. SEX MALE	4. DATE OF BIRTH (mm-dd-yyyy) AUGUST 31, 1954	5. AGE-Last Birthday (Years) 65	IF UNDER 1 YR Mo Days		IF UNDER 1 DAY Hours Min		6. BIRTHPLACE (City & State or Foreign Country) LAREDO, TX
7. SOCIAL SECURITY NUMBER 467-94-3193		8. MARITAL STATUS AT TIME OF DEATH <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widowed (but not remarried) <input type="checkbox"/> Divorced (but not remarried) <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown			9. SURVIVING SPOUSE'S NAME (If spouse, give name prior to first marriage) MILDRED LEE		
10a. RESIDENCE STREET ADDRESS 12602 GREY FOX CIR				10b. APT. NO.	10c. CITY OR TOWN LAREDO		
10d. COUNTY WEBB		10e. STATE TEXAS		10f. ZIP CODE 78045		10g. INSIDE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
11. FATHER/PARENT 2 NAME PRIOR TO FIRST MARRIAGE EDWARD R. LEYENDECKER JR.				12. MOTHER/PARENT 1 NAME PRIOR TO FIRST MARRIAGE VIRGINIA TEETER			
13. PLACE OF DEATH (CHECK ONLY ONE) IF DEATH OCCURRED IN A HOSPITAL: <input type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: <input type="checkbox"/> Hospice Facility <input checked="" type="checkbox"/> Nursing Home <input checked="" type="checkbox"/> Decedent's Home <input type="checkbox"/> Other (Specify)							
14. COUNTY OF DEATH WEBB		15. CITY/TOWN, ZIP (IF OUTSIDE CITY LIMITS, GIVE PRECINCT NO) LAREDO, 78045			16. FACILITY NAME (If not Institution, give street address) 12602 GREY FOX CIR		
17. INFORMANT'S NAME & RELATIONSHIP TO DECEASED EDWARD LEYENDECKER III - BROTHER				18. MAILING ADDRESS OF INFORMANT (Street and Number, City, State, Zip Code) 9114 MCPHERSON APT 4602, LAREDO, TX 78045			
19. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Donation <input type="checkbox"/> Entombment <input type="checkbox"/> Removal from state <input type="checkbox"/> Mausoleum <input type="checkbox"/> Other (Specify)		20. SIGNATURE AND LICENSE NUMBER OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH FRED DICKEY III, BY ELECTRONIC SIGNATURE - 112398		21. <input checked="" type="checkbox"/> Unknown Section _____ Block _____ Lot _____ Space _____			
22. PLACE OF DISPOSITION (Name of cemetery, crematory, other place) CREMATION ASSOCIATES OF LAREDO				23. LOCATION (City/Town, and State) LAREDO, TX			
24. NAME OF FUNERAL FACILITY FRED DICKEY FUNERAL AND CREMATION SERVICES				25. COMPLETE ADDRESS OF FUNERAL FACILITY (Street and Number, City, State, Zip Code) 1320 TREY DR., LAREDO, TX 78041			
26. CERTIFIER (Check only one) <input checked="" type="checkbox"/> Certifying physician-To the best of my knowledge, death occurred due to the cause(s) and manner stated. <input type="checkbox"/> Medical Examiner/Justice of the Peace - On the basis of examination, and/or investigation; in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner stated.							
27. SIGNATURE OF CERTIFIER BICHENG NAN, BY ELECTRONIC SIGNATURE		28. DATE CERTIFIED (mm-dd-yyyy) AUGUST 4, 2020		29. LICENSE NUMBER N1011		30. TIME OF DEATH (Actual or presumed) 09:20 PM	
31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code) BICHENG NAN 6508 N BARTLETT, STE D, LAREDO, TX 78041						32. TITLE OF CERTIFIER MD	
33. PART 1. ENTER THE CHAIN OF EVENTS - DISEASES, INJURIES, OR COMPLICATIONS - THAT DIRECTLY CAUSED THE DEATH. DO NOT ENTER TERMINAL EVENTS SUCH AS CARDIAC ARREST, RESPIRATORY ARREST, OR VENTRICULAR FIBRILLATION WITHOUT SHOWING THE ETIOLOGY. DO NOT ABBREVIATE. ENTER ONLY ONE CAUSE ON EACH.							
IMMEDIATE CAUSE (Final disease or condition resulting in death)		a. PANCREATIC CANCER WITH LUNG METASTASIS Due to (or as a consequence of):				Approximate Interval Onset to death 4 MONTHS	
Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated, the events resulting in death) LAST		b. ARRHYTHMIA WITH PACEMAKER Due to (or as a consequence of):				5 YEARS	
		c. CORONARY ARTERY DISEASE Due to (or as a consequence of):				6 YEARS	
		d.					
PART 2. ENTER OTHER CAUSE GIVEN IN PART 1. SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING							
34. WAS AN AUTOPSY PERFORMED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> No							
36. MANNER OF DEATH <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined		37. DID TOBACCO USE CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Previously <input type="checkbox"/> Probably <input checked="" type="checkbox"/> Unknown		38. IF FEMALE: <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to one year before death <input type="checkbox"/> Unknown if pregnant within the past year		39. IF TRANSPORTATION INJURY, SPECIFY: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)	
40a. DATE OF INJURY (mm-dd-yyyy)		40b. TIME OF INJURY		40c. INJURY AT WORK? <input type="checkbox"/> Yes <input type="checkbox"/> No		40d. PLACE OF INJURY (e.g. Decedent's home, construction site, restaurant, wooded area)	
40e. LOCATION (Street and Number, City, State, Zip Code)						40f. COUNTY OF INJURY	
41. DESCRIBE HOW INJURY OCCURRED							
42a. REGISTRAR FILE NO. 02000922		42b. DATE RECEIVED BY LOCAL REGISTRAR AUGUST 7, 2020		42c. REGISTRAR <i>Tara Das</i>			

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS UNIT

WARNING: The penalty for knowingly making a false statement in this form can be 2-10 years in prison and a fine up to \$10,000. (Health and Safety Code, Sec. 195.183)

VS-112 REV 1/2006



This is a true and correct copy of the record as registered in the State of Texas. Issued under the authority of Section 191.051, Health and Safety Code.

ISSUED Aug 10 2020

Tara Das
TARA DAS
STATE REGISTRAR

WARNING: THIS DOCUMENT HAS A DARK BLUE BORDER AND A COLORED BACKGROUND

JON

WILL

OF

RANDALL EARLE LEYENDECKER

WILL
OF
RANDALL EARLE LEYENDECKER

I, RANDALL EARLE LEYENDECKER, of Webb County, Texas, declare that this is my last will. I revoke all prior wills and codicils.

ARTICLE 1

IDENTITY OF FAMILY

1.1 I am married to MILDRED JEAN LEYENDECKER (my "wife"). I do not have any children.

ARTICLE 2

SPECIFIC BEQUESTS

2.1 Personal Items. I give to my wife all of my clothing, jewelry, personal belongings, household goods and all art objects, furniture, furnishings, automobiles, and all other personal effects owned by me at the time of death, except for those items designated in this will as specific bequests and any items designated by me and written in my own hand on a letter which is to be attached to my will. If my wife does not survive me, this bequest shall lapse and all such property shall pass to my residuary estate.

2.2 Residence. I give to my wife any interest in real property that my wife and I are using as a residence at the time of my death, together with buildings and improvements and all policies of insurance on the residence and its contents. If my wife does not survive me, then the property shall pass to my residuary estate.

ARTICLE 3

RESIDUARY

- 3.1 Wife. I give all the residue of the property which I may own at the time of death to my Wife, MILDRED JEAN LEYENDECKER outright and in fee simple
- 3.2 Contingent Trust for Minors: If, pursuant to any provisions of this will, all or any part of my estate would otherwise be payable to a person under the age of Thirty (30) years (the “beneficiary” or “beneficiaries”) or , if at the termination of any trust created by this will, all or a portion of corpus or income of the trust would otherwise pass to a person under the age of Thirty (30) years (the “beneficiary” or “beneficiaries”), the trustee is authorized to continue to hold any such beneficiary’s portion as a separate and distinct trust for the beneficiary upon the following terms and conditions:
- 3.2.1 Beneficiary Under Twenty-Five Years. Until any beneficiary of ours attains twenty-five (25) years of age, the trustee shall pay to the beneficiary, or expend on the beneficiary’s behalf, so much of the net income derived from his particular trust fund and so much of the principal of the trust as the trustee deems advisable to provide properly for the beneficiary’s health, support, and education, and shall incorporate any income not distributed into the corpus of the trust fund.
- 3.2.2 Beneficiary Over Twenty-Five As each beneficiary attains twenty-five (25) years of age, and until the termination of the beneficiary’s trust, the trustee shall pay to the beneficiary, or shall apply on the beneficiary’s behalf, the entire net income of the trust fund, and in addition, the trustee shall pay to the beneficiary or apply on his behalf, so much of the principal as the trustee considers advisable for the health, support and education of the beneficiary and the children of the beneficiary.

Additionally, when such beneficiary attains Thirty (30) years of age, the trustee shall distribute the balance of the remaining fund shall be paid to the beneficiary outright and the trust shall terminate

3.2.3 Beneficiary Attains Respective Ages at Time of Trust Creation. If any beneficiary shall have attained any such respective ages at the time when the trust fund is directed to be set apart for the beneficiary, the trustee shall distribute to the beneficiary the part or parts as the case may be of the trust fund (instead of holding the same in trust) as are directed to be distributed to the beneficiary upon attaining the respective ages.

3.2.4 Beneficiary Dies After Trust Set Aside. If any beneficiary shall die after separate trust fund has been set apart for the beneficiary, the trustee shall distribute the balance of such trust fund (or the share of the deceased beneficiary) to the then surviving issue of the deceased beneficiary , per stirpes subject to the provisions of this will; and if none, then to my issue surviving the deceased beneficiary, per stirpes. If at the time of such distribution, any beneficiary or issue is an income beneficiary of any trust under this will, the share of the beneficiary shall be added to the corpus of his trust fund as and integral part of the trust, to be administered and distributed in accordance with all the terms, conditions and limitations applying to the trust.

3.2.5 Failure of Descendants to Survive Final Distribution. If all of my descendants predecease me or shall die prior to complete distribution of the trusts created in this will, then, upon the happening of such event, all assets held by the trustee or all assets

of my residuary estate, shall be distributed to those persons who are entitled to take from me under the Texas laws of Descent and Distribution then in effect, assuming that I had died immediately after the death of my last descendant.

ARTICLE 4

APPOINTMENT OF EXECUTOR AND TRUSTEE

- 4.1 Appointment and Powers of Executor. I appoint MILDRED JEAN LEYENDECKER, as my Independent Executor of my estate. If MILDRED JEAN LEYENDECKER is not then living, or is unable to act, or chooses to resign, his/her successor Independent Executor shall be EDWARD R. LEYENDECKER III. If EDWARD R. LEYENDECKER III cannot serve for any reason, I appoint THERESA POWELL as the sole Independent Executor of my Estate. Neither the original Independent Executor nor any successor Independent Executor shall be required to furnish any bond or other security in any jurisdiction. I direct that no action shall be had by any of my Executor in the county or probate court in relation to the settlement of my estate, other than the probating and recording of this will, and the return of a statutory inventory, appraisalment and list of claims of my estate. I appoint as ancillary fiduciary the person or corporation which my Executor shall appoint in writing. Unless prohibited by law or court rule, my Executor may appoint himself/herself as ancillary executor.
- 4.2 Appointment of Trustees. I appoint MILDRED JEAN LEYENDECKER as Trustee of each of the trusts created under this will. In the event MILDRED JEAN LEYENDECKER is unable to serve for whatever reason, then I appoint EDWARD R. LEYENDECKER III as

the successor trustee of each of the trusts created under this will. If EDWARD R. LEYENDECKER III cannot serve for any reason, I appoint THERESA POWELL as the sole trustee of each of the trusts created under this will. My wife and any current income beneficiary over twenty-five (25) years of age shall have the right to remove any fiduciary without cause by sixty (60) days written notice; provided, however my wife and any current income beneficiary must name as successor trustee a state or national bank having trust powers and surplus and capital in excess of Ten Million Dollars (\$10,000,000.00) as the successor trustee. Neither the originally appointed trustee nor any successor trustee named in this will shall be required to furnish any bond or other security in any jurisdiction. Any unnamed individual, state or national bank will be required to furnish a bond while serving as trustee of any trust created under this will.

- 4.3 Compensation of Executrix and Trustees. My wife shall serve without compensation as Executrix and Trustee under this will. All others and any successor thereof for services rendered as trustee or executor, shall be entitled to pay themselves reasonable fees for such services. Any successor trustee (or successor executor) shall be responsible only for assets delivered by the preceding trustee or executors or their legal representative, and the successor may accept as correct the statement of such predecessor as to the assets of my estate or trusts without any duty to inquire into the administration or accounting by the predecessor and not successor shall be held responsible for or by reason of any act or omission of a predecessor.
- 4.4 Termination of Trust. Any corporate trustee and/or and individual, other than my wife, appointed herein may determine that the corpus of a beneficiary's trust has an aggregate

value insufficient to warrant the continuation of the administration of the trust to its ultimate contemplated termination, and the corporate trustee or other individuals in such event is expressly authorized to terminate the trustee at such time as it shall deem appropriate, and distribute the remaining properties and proceeds to the beneficiary thereof, or if the beneficiary is under eighteen (18) years of age, then to a custodian (named by the trustee) under the Texas Transfers to Minors Act for the benefit of such minor. In the event the trust is so terminated, the corporate trustee is expressly exonerated from all further duties and obligations. Any beneficiary of any trust created under this will who is serving as a trustee or co-trustee of such trusts is hereby prohibited from exercising any authority to terminate a trust under the terms of this provision, or from participating in any decision concerning the termination of such trust. My wife shall not possess the right to terminate any trust established by this will.

ARTICLE 5

PAYMENT OF TAXES AND DEBTS

- 5.1 Payment of Taxes If My Wife Predeceases Me. If my wife predeceases me, I direct that all estate inheritance and succession taxes, together with interest and penalties thereon, which may be assessed by reason of my death, shall be paid in the first instance by my Executrix, but that the ultimate burden of these taxes and charges shall be apportioned on a pro rata basis among, charged to, and collected from the beneficiaries sharing in the assets included in my gross taxable estate including beneficiaries receiving property outside of my probate estate and beneficiaries receiving property the value of which is includable in my gross estate

by reason of Internal Revenue Code. I authorize my Executrix to take any action necessary to collect these taxes and charges from the beneficiaries responsible therefor, and my Executrix may withhold these amounts from any property distributable to any responsible beneficiary.

5.2 Payment of Taxes If My Wife Survives Me. I direct that my Executrix pay out of my residuary estate which is not included in the gift qualifying for the marital deduction, without apportionment, all estate, inheritance, succession and other taxes payable by reason of my death, together with any interest and penalties thereon. No contribution for any taxes imposed on the proceeds of any insurance policy on my life (other than any proceeds payable to my estate), or upon any other non-probate asset of mine shall be required to be made by the beneficiary thereof.

5.3 Payment of Debts. I direct that my Executor pay out of my residuary estate which is not included in the gift qualifying for the marital deduction, all of my legal debts, the expenses of my last illness and funeral and the expenses of administering my estate (including the costs of any ancillary administration). Any debts which are payable in installments or are not due until at least one (1) year from the date of my death need not be paid during the administration of my estate, but if the terms of such debts permit, may be paid according to such terms. My Executor is specifically given the right to renew and extend, in any form that they deem best, any unsecured or secured debt or charge existing at the time of my death. Under no circumstances shall my Executrix be required to prepay any debt of mine.

5.4 Encumbered Property. If any property or interest in property passing under this will shall be

encumbered by a mortgage or lien or shall be pledged to secure any obligation, such indebtedness shall not be charged to or paid from my estate, and the beneficiary receiving such property or interest in such property shall take it subject to all encumbrances existing at the time of my death.

ARTICLE 6

POWERS OF TRUSTEES

6.1 Trust Code Powers. Each of the trusts created under this will shall be administered by the trustee in accordance with the provisions of the Texas Trust Code, as it exists at the date of this instrument, regardless of whether the Code may be repealed or amended. Additionally, the trustee, at her option may exercise any additional powers conferred on trustee of such trusts by any subsequent amendment of such Code. The provisions of this instrument shall govern whenever in conflict with the provisions of such Code. I give my trustee the following specific powers and authority in addition to the powers conferred by the Texas Trust Code:

6.1.1 To retain any property owned by me at the time of my death so long as it appears advisable , or to sell or exchange such properties, and to invest and reinvest such assets, real or personal as they may deem advisable all without diversification as to kind or amount and to render liquid my estate or trust estates, in whole or in part and to hold chase for such period as they may deem advisable. I direct that my Executor and trustee shall not be held liable for any loss resulting from the retention of any property on hand at my death or for any reinvestment unless such loss shall result

directly from their gross negligence or willful misconduct.

- 6.1.2 To lease any real estate for such term or terms, and upon such conditions and rentals and in such manner as they may deem advisable and any lease so made shall be valid and binding for its full term, even though the term shall extend beyond the administration of my estate or the duration of any trust.
- 6.1.3 Power to divide and distribute the assets of my estate or of any trust, whenever required or permitted, to make such division or distribution in cash or in kind, either separate parcels or by undivided interests, and to exercise all powers conferred after the term of any trust until the same is fully distributed, and in the absence of a showing of bad faith, their valuation of assets for purposes of distribution in kind shall be conclusive and binding.
- 6.1.4 Power to hold two or more trusts or other funds in one or more consolidated funds, in which the separate trusts or funds shall be undivided interests.
- 6.1.5 Power to make any distribution, during the term of the trust, i) to the beneficiary, ii) if the beneficiary is under a legal disability or if the trustee determines that the beneficiary is unable to manage properly his affairs, to a person furnishing support, maintenance or education for the beneficiary or with whom the beneficiary is residing, for expenditures on the beneficiary's behalf, or iii) if the beneficiary is a minor to a custodian for the beneficiary as selected by the trustee, under the Uniform Transfer to Minors Act of any State. Alternatively, the trustee may apply all or a part of the distribution for the beneficiary's benefit. Any distribution under this paragraph

shall be a full discharge of the Executor or trustee with respect thereto.

- 6.1.6 Power to sell or purchase assets from any trust or estate in which any of the beneficiaries of any trusts established by this will may be interested, including sales by one or the trust to any other one of the trusts.
- 6.1.7 Power to invest in any common trust fund operated by a corporate trustee.
- 6.1.8 Power to buy or sell between these trusts and any other of which they may be trustee, as fully as they might deal with any third person.
- 6.1.9 Power to borrow money from and corporate trustee, or from others upon such terms and conditions as the trustee may determine so long as such terms are reasonable and customary and to mortgage and pledge estate and trust assets as security for the repayment thereof.
- 6.1.10 Power to acquire and maintain life insurance policies on the life of any beneficiary or any other person whom any beneficiary of any trust may have an insurable interest.
- 6.1.11 Powers Regarding Mineral Interest
 - 6.1.11.1 Power to execute mineral leases, with or without unitization clauses or pooling provisions, covering any real estate and providing for the exploration for, and development and production of oil, gas, liquid or gaseous hydrocarbons, sulphur, metals and/or any and all other metals and minerals, for such terms or terms and upon such conditions and rentals and in such manner as they may deem advisable; and any lease so made shall be valid and binding for the full term thereof even though same shall extend beyond the

duration of the trust.

6.1.11.2 Power to set aside and accumulate as a reserve fund for depletion, as much of the gross annual income from royalties, bonuses, overriding or limited royalties, oil and gas payments, or other similar payments, received in connection with the physical severance of such natural resources as the trustee in their sole discretion shall from time to time deem requisite or desirable, but in no event shall such reserve exceed that amount which is provided in the Texas Trust Code.

6.1.12 Power to Hold Business Properties. In additions to the powers granted herein, I authorize my Executor and trustee to continue to hold any business properties which I may own at the time of my death as long as they deem it advisable to do so, whether owned individually, in partnership, or in corporation. My Executor and trustee shall have the power to sell or liquidate such properties, as well as any other properties of my estate, at such time and place, and upon such terms and conditions, including credit, as they may determine. Being aware that certain risks are inherent in the operation of a business, I direct that my Executor and trustee shall not be held liable for any loss resulting from the retention and operation of any such properties unless such loss shall result from gross negligence or willful misconduct.

6.1.13 Wife's Right to Require Conversion of Property to Productive State. Notwithstanding any other provision of this will, my wife by written instrument delivered to the trustee, may require the trustee to convert or make productive any

property which is unproductive of income within a reasonable time after the delivery of the notice. My Trustee is authorized and empowered to determine with finality as to each sum of money or other thing of value held or received by them, whether and to what extent the same shall be deemed to be corpus or to be income, and as to each charge or expense paid by Trustee, whether and to what extent the same shall be charged against corpus or against income, including without hereby limiting the generality of the foregoing language, power to apportion any receipt or disbursement between corpus and income, and to determine what part, if any, of income is available for distribution according to the terms hereof and what part, if any should be made to any income beneficiary as compensation for losses of income due to the acquisition or retention of property returning no income or slight income and to set up such reserves out of the corpus or as the Trustee shall think fit.

6.1.14 My Trustee shall render annual unaudited statements of the condition of each trust to the then current income beneficiary or beneficiaries thereof (however if any of the individual, non-charitable beneficiaries are then minors, the Trustee shall render such annual statements to a parent or guardian such minor beneficiaries). The written approval of the charitable beneficiary or individual beneficiary (or such person, on behalf of such beneficiary) entitled to receive such account shall, as to all matters and transaction stated therein or shown thereby be final and binding upon all parties (whether in being or not) who are then or may thereafter become interested in, or entitled to share in, the income or corpus of a trust.

- 6.1.15 My Trustee is authorized and empowered to employ attorneys, accountants, real estate appraisers, real estate brokers, investment counselors, and other similar agents, at any time and from time to time, in the Trustee's sole discretion, and shall pay for such services out of the trust estate or estates.
- 6.1.16 Any Corporate Trustee or Trustee is authorized to deposit trust funds in checking or savings accounts or in certificates of deposit or savings certificates in the Trustee bank itself for any period of time, and is authorized to invest in any common trust funds operated by it. Any Corporate Trustee or Trustee is expressly empowered to deal with any other trust or trusts to which it may be Corporate Trustee or Trustee, and for said trust or trusts and these trusts, to invest, reinvest, and hold undivided interests in the same property and as between said trust or trusts and these trusts to make sales, exchanges, transfers in money or in kind or partly in kind, including securities, real property and undivided interests in real or personal property. Any corporate trustee is expressly relieved from the restrictions imposed by The Texas Trust code and any other restrictions imposed by statute or rule of law or otherwise inconsistent with the provisions hereof.
- 6.1.17 The foregoing specific rights and powers are set forth by way of amplification and not by way of limitation, and, except as otherwise expressly limited herein, the Trustee shall have, all and singular, all other rights powers, duties, and privileges which may be reasonably properly or necessary or incident to the carrying out of these trusts, consistent with the purposes thereof, whether herein specifically

enumerated or not, it being declared to be the intention hereof that the Trustee, subject always to the discharge of their fiduciary obligations, shall have full, complete and plenary powers in carrying out these trusts in accordance with the provisions hereof, and this will shall be given a broad, liberal and comprehensive construction and interpretation in order that the Trustee shall be clothed with all the powers and authority reasonably necessary or proper in carrying out such trusts.

6.1.18 All acts of my Trustee must be by majority vote where there are three (3) serving or by unanimous vote when two (2) are serving; provided however, that any third party may rely on the act, agreement or representation of any one Trustee as the act, agreement or representation of all Trustees then serving according to the standard set forth in this paragraph without making further inquiry.

ARTICLE 7

POWERS OF EXECUTOR

- 7.1 Powers of Executor All powers granted to and duties imposed upon the original Executor shall continue as to all successors. My Executor, in the administration of my estate, shall have same powers as are vested in my trustee, in addition to the powers ordinarily vested in independent executors. Prior to the final distribution of my estate, my Executor shall have the authority to make partial distributions to any trust or to the beneficiaries of this will.
- 7.2 Executor Discretion as to Tax Related Elections. My Executor shall, in his/her sole discretion, determine whether to elect under the provisions of the Internal Revenue Code applicable to my estate to qualify any portion or part of my estate for federal estate tax

marital deduction. I anticipate that my Executor will elect to minimize the tax payable on my estate, however, I expect that some consideration be given to the estate tax payable in my wife's estate upon her death, especially if she should die prior to the time the election is made. The determination of my Executor with respect to the exercise of the election shall be conclusive upon all affected persons, and my Executor shall not incur any personal liability for any action taken by them in accordance with the foregoing authorization.

If such an election is made, my Executor is authorized to take any action necessary to effectuate such an election and I declare: (1) that it is my intent and purpose that the bequest with respect to my wife's share shall qualify for the marital deduction; (2) that in the administration of my estate, my Executor shall have all the discretionary powers conferred under this will, but that my Executor and trustee shall not exercise any of such discretionary powers in any manner which would disqualify this bequest of the marital deduction; and (3) that all other provisions of this will, or any codicil to it executed by me, shall be subordinate to the qualification of this bequest for the marital deduction.

7.3 Authorization to File Joint Tax Return. I authorize my Executor to execute and file a joint income tax return with my wife for the year in which my death occurs. I authorize my Executor to execute and file joint gift tax returns with my wife if any gift tax return is required of either of us for the year in which my death occurs or in any prior year. My Executor shall incur no personal liability for any action taken by him/her in accordance with this authorization. My Executor shall have the right, in his/her sole discretion, to deduct all or any part of the expenses of administration of my estate for federal income tax purposes,

regardless of the fact that the federal estate tax on my estate is thereby increased or that there is a change in the proportions in which various persons may share in my estate. No compensating adjustments between income and corpus or in the amount of any gift under this will shall be made as a result of the Executor's election.

ARTICLE 8

SPENDTHRIFT PROVISION

- 8.1 No beneficiary of any trust created hereunder shall have any right or power to anticipate, transfer, or encumber his interest in the trust in any manner, nor shall any such interest in any manner be liable for or subject to the debts, contracts, or liabilities of such beneficiary or claims of any sort against such beneficiary, including any claim by any beneficiary's spouse, it being my intention that all income of any trust, whether accumulated or distributed, be the separate property of the beneficiary thereof.

ARTICLE 9

PERPETUITIES SAVINGS CLAUSE

- 9.1 Notwithstanding the directions heretofore given my trustee as to distribution of income and principal, every trust established by this will shall terminate, if it has not previously terminated, twenty-one (21) years after the death of the last survivor of my wife and any children of mine in being at the date of my death. Upon such termination, my trustee shall immediately transfer, convey and pay over the principal of each of the trusts to the lineal descendants then living of the particular child of mine on whose account or on whose issue's

account the particular trust was established , per stirpes, and if none, as herein provided.

ARTICLE 10

NO-CONTEST OR FORFEITURE PROVISION

10.1 I have carefully considered those persons to whom I wish to leave my estate and the amount I wish to leave each and have not omitted any person or persons from this will through oversight or otherwise. If any beneficiary hereunder shall contest the probate or validity of this will or any provision hereof, or shall institute or join in (except as a party defendant) any proceeding to contest the validity of this Will or to prevent any provisions hereof from being carried out in accordance with its terms (regardless of whether or not such proceedings are instituted in good faith and with probable cause), then all benefits provided for such beneficiary are hereby revoked and such benefits shall pass to the residuary beneficiaries of this Will (other than such beneficiary) in the proportion that the share of each such residuary beneficiary bears to the aggregate of the effective shares of the residuary. If all of the residuary beneficiaries joint such contest or proceedings, then such benefits shall pass to those persons (other than the persons joining in such contest) who are living at my death and who would have been my distributees had I died intestate a resident of the State of Texas and had the person or persons contesting my Will died immediately before me. Each benefit conferred herein is made on the condition precedent that the beneficiary shall accept and agree to all of the provisions of this Will, and the provisions of this Article are an essential part of each and every benefit; provided, however, that nothing in this Article shall be deemed to revoke any benefit provided to a beneficiary under this Will such beneficiary

should join in any bona fide proceeding to interpret any provision of provisions of this Will.

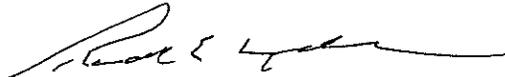
ARTICLE 11

ADMINISTRATIVE PROVISIONS

- 11.1 Gender. Whenever in the context it shall be required, all words in the male gender shall be deemed to include the female gender, and all words in the female gender shall be deemed to include the male gender, and all singular words shall include the plural, and all plural words shall include the singular.
- 11.2 Adopted Children. Whenever used in this will or any codicil, the words “child”, “children”, and “issue”, and similar words shall be deemed to include adopted children and children born or adopted after the execution of this will.
- 11.3 Per Stirpes. The term “per Stirpes” means strict per stirpes and does not mean per capita with representation. For example, if a person has two children and one has one child and the other has three and both predecease the parent, the grandchild who has no brothers and sisters would be entitled to a one-half share and the other three grandchildren would each be entitled to a one-sixth share.

TESTIMONIUM

IN TESTIMONY WHEREOF, I hereunto sign my name to this my last will and testament, consisting of the 19 preceding pages, all in the presence of the undersigned who witness the same at my request, on this the 8 day of DECEMBER, 2014, at Laredo, Texas.

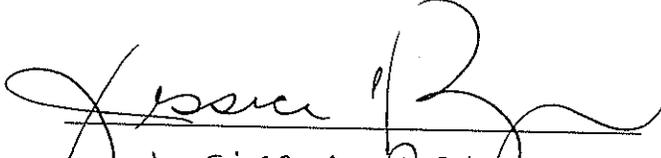


RANDALL EARLE LEYENDECKER, Testator

On this 8th day of December, 2014 RANDALL EARLE LEYENDECKER declared to us the undersigned, that the foregoing instrument was his last will and he requested us to act as witnesses to it and to his signature thereon. He then signed the will in our presence, we being present at the same time. We now at his request, in this presence, and in the presence of each other, hereunto subscribe our names as witnesses, and each of us declares that in his or her opinion this Testator is of sound mind.


RANDY S BLAIR

313 E. Dor Mae
LAREDO, TX 78041


Jessica C. Reyes

2120 OKAY (vega)
Ldo, Tx 78043

SELF-PROVING AFFIDAVIT

STATE OF TEXAS

COUNTY OF Webb

§
§
§

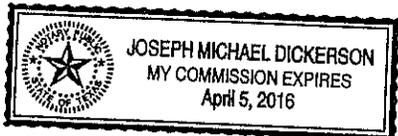
BEFORE ME, the undersigned authority, on this day personally appeared RANDALL EARLE LEYENDECKER known to me to be the Testator and the witnesses, respectively, whose names are subscribed to the foregoing instrument in their respective capacities, and, all of said persons first being duly sworn by me, the said RANDALL EARLE LEYENDECKER Testator, declared to me and to the witnesses in my presence that said instrument is his Last Will and Testament, and that it was by him willingly made and executed as his free act and deed for the purposes expressed therein; and the witnesses each on his/her oath, stated to me in the presence and hearing of the Testator, that the Testator had declared to them that the said instrument is his Last Will and that he executed it as such and wanted each of them to sign it as a witness, and that they did sign the same as witnesses at the request and in the presence of the Testator; that the Testator at the time was eighteen years of age or over and was of sound mind; and that each witness was then at least fourteen years of age.

Randall Earle Leyendecker
RANDALL EARLE LEYENDECKER, Testator

Randy S. Blain
WITNESS

Jessica C. Reyes
WITNESS

SUBSCRIBED AND ACKNOWLEDGED BEFORE ME and by the said RANDALL EARLE LEYENDECKER and SUBSCRIBED AND SWORN TO by the said *Randy S. Blain* and *Jessica C. Reyes*, witness, this the *8th* day of *December*, 20*14*.



[Signature]
Notary Public, State of Texas
My Commission Expires _____

pursuant to the Texas Rules of Civil Procedure.

6. A necessity exists for the administration of the Estate.

7. After the date of the Will, no child was born to or adopted by Decedent.

8. No marriage of the Decedent was ever dissolved after the will was made.

9. Decedent's Will named Mildred Jean Leyendecker to serve as Independent Executor to act independently. Mildred Jean Leyendecker resides in Laredo, Webb County, Texas. Mildred Jean Leyendecker is not disqualified by law from serving as such or from accepting Letters Testamentary, and is entitled to such letters.

10. No state, governmental agency of the state, nor charitable organization is named by the Will as a devisee.

11. The Will was made self-proved in the manner prescribed by law and the subscribing witnesses to the Will are Randy S. Blair, and Jessica C. Reyes.

WHEREFORE, Applicant prays that citation issue as required by law to all persons interested in this Estate; that the Will be admitted to probate; that Letters Testamentary be issued to Mildred Jean Leyendecker; and that all other Orders be entered as the Court may deem proper.

Respectfully submitted,

**THE LAW OFFICE OF CLAUDIA LANESE
GARCIA, P.L.L.C.**

7913 McPherson Road, Suite 103

Laredo, Texas 78045

Tel.: (956) 753-0003

Fax: (956) 753-0004

Email: garcia@txlawfirm.net

BY: */s/ Claudia Lanese Garcia*
CLAUDIA LANESE GARCIA
Texas State Bar No. 00794139

THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF RANDALL E. LEYENDECKER, Cause No. 2020PB7000124L1, County Court at Law No. _____, Webb County, Texas, MILDRED JEAN LEYENDECKER filed in the County Court at Law No. ___ of Webb County, Texas, on the ____ day of _____, **2020** an APPLICATION FOR PROBATE OF WILL AND FOR ISSUANCE OF LETTERS TESTAMENTARY, which will be heard and acted on by said Court at 10 o'clock A.M. on the first Monday next after the expiration of ten days from date of posting this citation, the same being the ____ of _____, at the County Courthouse thereof in Laredo, Texas.

All persons interested in said estate are hereby cited to appear before said Honorable Court at above mentioned time and place by filing a written answer, contesting such Application should they desire to do so.

All interested persons are further advised that they have the right to employ an attorney and that if they or their attorneys fail to file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 10 days before the return day thereof, exclusive of the date posting and return the original copy of this citation to the clerk stating in a written return there on the time when and the place where he posted such copy.

GIVEN UNDER MY HAND AN SEAL OF SAID COURT at office in Laredo, Texas this the ____ day of _____, **2020**.

(SEAL)

Margie Ramirez Ibarra, Webb County Clerk
County Court at Law No. __
Webb County, Texas.

By: _____ Deputy
Clerk's Address: 1110 Victoria St., Suite 201
Laredo, Texas 78040

RETURN

CAME TO HAND on the _____ day of _____, 2020, at _____ o'clock _____ .m., and executed on the _____ day of _____, 2020, by posting a copy of the within citation for ten days, exclusive of the day of posting, before the return day hereof, at the County Courthouse door of Webb County, Texas, or at the place in or near the said courthouse where public notices customarily are posted, that is from _____, 2020, through _____, 2020, inclusive.

Fee for Posting Citation \$ _____

Webb County, Texas

By: _____
_____, Process Server

CAUSE NO. 2020PB7000124L1

IN THE ESTATE OF

RANDALL E. LEYENDECKER,

DECEASED

§ IN COUNTY COURT AT LAW

§

§ NO. _____

§

§ WEBB COUNTY, TEXAS

FIAT

The above referenced case is set for hearing on the *Application for Probate of Will and for Issuance of Letters Testamentary* on the _____, day of _____, 2020, at _____M. in the County Court at Law No. _____, Webb County, Texas.

Signed this _____ day of _____, 2020

HONORABLE JUDGE/COURT COORDINATOR

Please fax to: Claudia Lanese Garcia (956) 753-0004

10. “No marriage of the Decedent was ever dissolved after the will was made.

11. “Decedent’s Will named Mildred Jean Leyendecker to serve as independent Executor to act independently.

12. “To the best of my knowledge, the proof required for probate has been made, Mildred Jean Leyendecker is not disqualified by law from accepting Letters Testamentary or from serving as Executor and is entitled to such Letters and is the person named in Decedent’s Will.”

Signed this ____ day of _____, 2020.

Mildred Jean Leyendecker

STATE OF TEXAS §

COUNTY OF WEBB §

SWORN TO AND SUBSCRIBED BEFORE ME on this the ____ day of _____, 2020 by the said **Mildred Jean Leyendecker.**

Notary Public, State of Texas

CAUSE NO. 2020PB7000124L1

IN THE ESTATE OF

RANDALL E. LEYENDECKER,

DECEASED

§ IN COUNTY COURT AT LAW

§

§ NO. _____

§

§ WEBB COUNTY, TEXAS

**ORDER PROBATING WILL AND
AUTHORIZING LETTERS TESTAMENTARY**

On this day came on to be heard the Application filed herein by **Mildred Jean Leyendecker** on _____, 2020, for the probate of the Will of Randall E. Leyendecker, hereinafter called Decedent, and for the issuance of Letters Testamentary.

The Court, after having heard and considered the evidence, finds that legal notices of the filing of said Application have been issued and posted in the manner and for the length of time required by law, and no one came to contest same; and it further appearing that said Will was executed on December 8, 2014, with the formalities and solemnities and under the circumstances required by law to make it a valid Will, was self-proved according to law during the lifetime of said Decedent; that such Will has not been revoked by Decedent; that Decedent died at Laredo, Webb County, Texas on July 27, 2020; that this Court has jurisdiction and venue over the estate because Decedent was domiciled in Texas and had a fixed place of residence in Webb County, Texas at the time of his death; that four years have not elapsed since the death of Decedent or prior to the said Application; that a necessity exists for the administration of this estate; that no state, governmental agency of the state, nor charitable organization is named by the Will as a devisee; that Decedent's Will named Mildred Jean Leyendecker to serve as Independent Executor to act independently without bond or other security, and the said Mildred Jean Leyendecker is not disqualified by law from serving as such or from accepting Letters Testamentary, and is entitled to such letters.

IT IS THEREFORE ORDERED AND DECREED by the Court that said Will is hereby proved and established and admitted to probate and recorded as the **WILL** of said Randall E. Leyendecker, Deceased, and that Mildred Jean Leyendecker be, and is hereby appointed Independent Executor of said Will and Estate without bond.

IT IS FURTHER ORDERED by the Court that Letters Testamentary upon the Will and Estate of Randall E. Leyendecker, Deceased, be and the same are hereby granted, that the Clerk shall issue said Letters Testamentary to Mildred Jean Leyendecker, as Independent Executor, when qualified according to law, and that no other action shall be had in this Court other than the return of an Inventory, Appraisal and List of Claims, or an affidavit in lieu of the Inventory, Appraisal and List of Claims, as required by law and the notice to distributees required by Section 308.001 et seq. of the Texas Estates Code. Mildred Jean Leyendecker may sell the property of Decedent upon the consent of the distributees who are to receive any interest in the property. No appraisers are necessary at this time.

SIGNED this ____ day of _____, 2020.

JUDGE PRESIDING

APPROVED AS TO FORM:

THE LAW OFFICE OF CLAUDIA LANESE GARCIA, P.L.L.C.

7913 McPherson Road, Suite 103

Laredo, Texas 78045

Tel.: (956) 753-0003

Fax: (956) 753-0004

Email: garcia@txlawfirm.net

BY: /s/ Claudia Lanese Garcia
CLAUDIA LANESE GARCIA
Texas State Bar No. 00794139