

CAUSE NO. [Number]

ESTATE OF § IN THE PROBATE COURT
[Decedent Name], §
DECEASED § NO. 1 OF
§ TRAVIS COUNTY, TEXAS

INDEPENDENT EXECUTOR'S AFFIDAVIT OF NOTICE
PURSUANT TO TEXAS PROBATE CODE SECTION 128A

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, personally appeared [Executor Name], independent executor of the Estate of [Decedent Name], Deceased, who, after being duly sworn by me, did upon oath swear, state and affirm as follows:

1. **Introduction.** I, [Executor Name], am the independent executor of the Estate of [Decedent Name], Deceased. [Decedent Name] (the "Decedent") died [Date of Death]. Decedent's will dated [Date of Will] was admitted to probate and [Executor Name] qualified as independent executor of the Decedent's estate on [Date of Qualification]. This affidavit is being given to comply with the requirements of Section 128A of the Texas Probate Code.

2. **Description of Decedent's Family and Beneficiaries.** The Decedent was unmarried at the time of death. The Decedent previously was married to _____, who predeceased the Decedent. The Decedent had four children: [Child 1 Name], [Child 2 Name], [Child 3 Name] and [Executor Name]. These four children all survived the Decedent. These four children are the only beneficiaries named in the Decedent's will.

3. **Notices Given.** I gave notices that complied with Section 128A of the Texas Probate Code to the following persons at the following addresses by certified mail, return receipt requested, and I received back the green card evidencing that such persons received the notice:

[Child 1 Name]
[Child 1 Address]

[Child 2 Name]
[Child 2 Address]

4. **Notices Not Required to Be Given.** I did not give notice to the following persons at the following addresses because I was not required to do so by Section 128A of the Texas Probate Code:

A. **Persons Waiving Notice.** The following persons with the following addresses signed and filed a waiver meeting the requirements of Section 128A of the Texas Probate Code:

[Child 3 Name]
[Child 3 Address]

B. **Persons Who Appeared in Probate Proceeding.** The following persons appeared in this proceeding prior to the probate of the will:

[Executor Name]
[Executor Address]

5. **Notices Unable to Be Given.** I was unable to give notice to the following beneficiaries or possible beneficiaries under the will because I could not identify them or determine their whereabouts after the exercise of reasonable diligence. I do not intend to actively continue to try to locate these persons after the date hereof because of the cost and expense to the Estate unless ordered to do so by the Court. However, if I locate any of these persons after the making and filing of this affidavit, I will send them a notice under Section 128A:

None

6. I believe that I have complied with the requirements imposed on me by Section 128A.

[Executor Name]

SWORN TO AND SUBSCRIBED BEFORE ME on the ____ day of _____, 200__.

Notary Public, State of Texas