

RECEIVED
ADJUDICATION SECTION
JUN 27 2024

KEAN | MILLER_{LLP}

CATHERINE A. GAUTHIER, ASSOCIATE
DIRECT: 225.389.3764, FAX 225.388.9133
CATHERINE.GAUTHIER@KEANMILLER.COM

June 20, 2024

Bureau of Ocean Energy Management
Gulf of Mexico OCS Region
1201 Elmwood Park Blvd., MS WS 231A
New Orleans, Louisiana 70123-2394

ATTN: Adjudication Unit

Re: Assignment of Overriding Royalty Interests
Non-required Document Filing
Offshore Gulf of Mexico
Our File No.: 34372-1

To whom it may concern:

Enclosed please find a copy of each of the following documents:

Titles of Documents: Affidavit For Small Succession For David B. Shomette Pursuant to La. CCP Art. 3421.1 dated April 29, 2024, recorded May 6, 2024 in Plaquemines Parish, Conveyance Book 1476, Page 111, File No. 2024-00001352
Affidavit For Small Succession For David B. Shomette Pursuant to La. CCP Art. 3421.1 dated April 29, 2024, recorded May 7, 2024 in Terrebonne Parish, Conveyance Book 2737, Page 1, File No. 1689811
Affidavit For Small Succession For David B. Shomette Pursuant to La. CCP Art. 3421.1 dated April 29, 2024, recorded June 3, 2024 in Lafourche Parish, Conveyance Book 2295, Page 626, Inst. Number 1372808

Identities of Parties to the Documents: David B. Shomette (Assignor - deceased)
Janet L. Shomette (assignee)

Lease(s) Affected: OCS-G 27982 (Well EW834-A1)
OCS-G 33707 (Well EW835#1)
OCS-G 33140 (Well EW790#2; Well EW790#3; and Well EW790#9)

Category to be Filed: 5 = Overriding Royalty, Production Payment, Net Profits

Service fees: Receipt enclosed of payment on pay.gov of the incurred fees.

I have enclosed 6 (six) PDF sets in total to this email. Please place one (1) copy of this letter and Affidavit in each of the three (3) affected lease files and return one (1) BOEM stamped copy for each of the three (3) lease files to the undersigned for my records. Please do not hesitate to contact me should you have any questions at (225) 389-3764 or catherine.gauthier@keanmiller.com.

Sincerely,
KEAN MILLER LLP



Catherine A. Gauthier

Plaquemines Parish Recording Page

Kim Turlich-Vaughan
Clerk of Court
PO Box 40
Belle Chasse, LA 70037
(504) 934-6610

RECEIVED
ADJUDICATION SECTION
JUN 27 2024

Received From :
Attn: KATHY BLANCHARD
KEAN MILLER LLP
5035 BLUEBONNET BLVD STE B
BATON ROUGE, LA 70809

First VENDOR

SHOMETTE, DAVID B SUCCN

First VENDEE

SHOMETTE, JANET L

Index Type : CONVEYANCE

File Number : 2024-00001352

Type of Document : SMALL SUCCESSION AFFIDAVIT

Book : 1476

Page : 111

Recording Pages : 11

Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for Plaquemines Parish, Louisiana.

On (Recorded Date) : 05/06/2024

At (Recorded Time) : 11:29:07AM

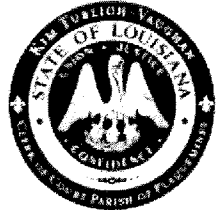


Doc ID - 006006120011

CLERK OF COURT
KIM TURLICH-VAUGHAN
Parish of Plaquemines
I certify that this is a true copy of the attached
document that was filed for registry and
Recorded 05/06/2024 at 11:29:07
Recorded in Book 1476 Page 111
File Number 2024-00001352

Victoria A. Trierson

Deputy Clerk



Return To : Attn: KATHY BLANCHARD

AFFIDAVIT FOR SMALL SUCCESSION
FOR DAVID B. SHOMETTE
PURSUANT TO LA. C.C.P. ART. 3432.1

BE IT KNOWN that before us, the undersigned Notaries Public, duly qualified and commissioned in and for the jurisdictions hereinafter set forth, and before the undersigned competent witnesses, personally came and appeared:

JANET L. SHOMETTE (SSN: XXX-XX-⁵⁵⁴⁷____), an unmarried individual of the full age of majority, the surviving spouse and residuary legatee of David B. Shomette as to his immovable property located in Louisiana described herein, whose mailing address is 858 Riverforest Drive, New Braunfels, Texas 78132, dealing herein with her separate property; and

JERRY WERLLA (SSN: XXX-XX-³⁴⁵³____), a married individual of the full age of majority and the brother-in-law of David B. Shomette, and a person who was well acquainted with David B. Shomette, whose mailing address is 26506 Forest Link, New Braunfels, Texas 78132;

(hereinafter collectively and individually referred to as "Affiant") both of the full age of majority, who, being first duly sworn, did depose and declare that:

1.

David B. Shomette (the "Deceased") died testate, domiciled in Comal County, Texas, on April 28, 2023. The Deceased resided at 858 Riverforest Drive, New Braunfels, Texas 78132, at the time of his death. The Deceased was married but once and then to Janet L. Shomette, who survived the deceased and to whom he was still married at the time of his death. The Deceased had no children born to or adopted by him. The Deceased owned immovable property in the Ewing Bank Block Area Federal Offshore of Louisiana and Outer Continental Shelf of the Gulf of Mexico at the time of his death. The assets in the Louisiana Succession of David B. Shomette consisted of community property only which is described herein. The immovable property was a part of the community of acquets and gains previously owned by the deceased and his surviving spouse, Janet L. Shomette, of whom is the owner of her undivided one-half (1/2) interest in the former community property described herein.

2.

The Deceased's last will and testament dated April 22, 2020, has been filed and admitted to probate in the Circuit Court in and for Comal County, Texas by an Order dated

August 22, 2023, in Cause No. 2023PC0329, Comal County, Texas. Exemplified copies of the following documents from the Texas probate proceeding are attached hereto and made a part hereof: Application to Probate Will and For Issuance of Letters Testamentary, Last Will and Testament of David Shomette, Proof of Death and Other Facts, Order Probating Will and Authorizing Letters Testamentary, Oath of Independent Executrix, Affidavit in Lieu of Inventory, Appraisement, and List of Claims, and Letters Testamentary.

3.

Article III, Section C., of the Deceased's last will and testament provides the following residuary legacy which includes the Deceased's interest in the Louisiana immovable community property:

ARTICLE III.
Specific Gifts

* * *

C. **Residuary Estate.** *I give all the rest and residue of my property and estate, including any of the above gifts that lapse ("my residuary estate"), as follows:*

1. *To my wife;*
2. *If my wife does not survive me, then my residuary estate will be divided out in the following manner:*
 - *Debbie Werlla: 35%*
 - *Don Landers: 35%*
 - *Mike Shomette: 10%*
 - *Tim Shomette: 10%*
 - *Donna K. Jose: 10%*
3. *In the event that one or more of the five devisees predeceases me, then I want the deceased devisee's share to go to the heirs of said devisee.*

If all of the beneficiaries listed above fail to survive me, then all of the residue of my estate shall be divided into two equal halves with one-half being distributed to my heirs and one-half being distributed to my wife's heirs.

4.

Janet L. Shomette is the surviving spouse of the Deceased. Therefore, she is entitled to be recognized as the sole residual legatee of the Deceased which residuary legacy includes the Deceased's undivided one-half (1/2) interest in the community property located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the

Outer Continental Shelf of the Gulf of Mexico which property is more particularly described below. Janet L. Shomette is also the owner of her undivided one-half (1/2) interest in the community property previously owned by her and the Deceased.

5.

The Deceased owned the following described immovable property in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico, which was property being a part of the community of acquets and gains of the marriage to his surviving spouse, Janet L. Shomette, having the following value:

ASSETS

VALUE

(A) Louisiana Community Property

- (1) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil & Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the E/2; N/2NW/4; N/2SE/4NWW/4; S/2SW/4; S/2N/2SW/4 of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW834-A1. Well Name Code: OCS-G 27982. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$26,405.08

- (2) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area

Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 33707, dated effective as of May 1, 2010, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, covering all of Block 835, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW835#1. Well Name Code: OCS-G 33707. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$1,989.45

- (3) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil and Gas Lease of submerged Lands bearing Serial No. OCS-G 33140, dated effective as of July 1, 2009, between the United States of America, as Lessor, and Noble Energy, Inc., as Lessee, limited to the SW/4SW/4; S/2SE/4SW/4; S/2SW/4SE/4; NW/4SE/4SW/4, and limited to those depths from the surface down to and including 26,000' SSTVD; and as to all depths below 99,999' TVDSS in the entirety of Block 790, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Operating Rights being more particularly described in that Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the SW/4NW/4; S/2SE/4NW/4; N/2N/2SW/4; and limited from 9,701' to 99,999' SSTVD of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW790#2. Well Name Code: OCS-G 33140. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$20,382.29

- (4) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil and Gas Lease of submerged Lands bearing Serial No. OCS-G 33140, dated effective as of July 1, 2009, between the United States of America, as Lessor, and Noble Energy, Inc., as Lessee, limited to the SW/4SW/4; S/2SE/4SW/4; S/2SW/4SE/4; NW/4SE/4SW/4, and limited to those depths from the surface down to and including 26,000' SSTVD; and as to all depths below 99,999' TVDSS in the entirety of Block 790, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Operating Rights being more particularly described in that Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the SW/4NW/4; S/2SE/4NW/4; N/2N/2SW/4; and limited from 9,701' to 99,999' SSTVD of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW790#3. Well Name Code: OCS-G 33140. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$30,294.69

- (5) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil and Gas Lease of submerged Lands bearing Serial No. OCS-G 33140, dated effective as of July 1, 2009, between the United States of America, as Lessor, and Noble Energy, Inc., as Lessee, limited to the SW/4SW/4; S/2SE/4SW/4; S/2SW/4SE/4; NW/4SE/4SW/4, and limited to those depths from the surface down to and including 26,000' SSTVD; and as to all depths below 99,999' TVDSS in the entirety of Block 790, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Operating Rights being more particularly described in that Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the SW/4NW/4; S/2SE/4NW/4; N/2N/2SW/4; and limited from 9,701' to 99,999' SSTVD of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW790#9. Well Name Code: OCS-G 33140. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST	<u>\$9,472.45</u>
TOTAL VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST	<u>\$88,543.96</u>

6.

Affiants make this affidavit in compliance with the laws of the State of Louisiana, and particularly La. C.C.P. arts. 3421, 3432.1 and 3434.

7.

The gross value of the succession of the Deceased is under \$125,000.00.

8.

JANET L. SHOMETTE, (SSN: XXX-XX-⁵⁵⁴⁷____), whose address is 858 Riverforest Drive, New Braunfels, Texas 78132, is the sole residual legatee and successor of the Deceased's Louisiana immovable property described above, and, as such, is entitled to the full ownership of all of the Deceased's right, title, and interest being an undivided one-half (1/2) interest in the Louisiana immovable property described above, all of which was community property a part of the acquets and gains of the marriage to the Deceased.

9.

Janet L. Shomette, as the sole residual legatee of the deceased, affirms that by signing this Affidavit, she accepts the legacy from the Deceased but under the benefit of inventory and shall only be liable for any debts and expenses of the succession as limited by Louisiana law.

10.

Janet L. Shomette and Jerry Werlla affirm that by signing this Affidavit they do swear under penalty of perjury that the information contained in this Affidavit is true, correct and complete to the best of their knowledge, information and belief, and that they have actual knowledge thereof.

11.

A photocopy of the Deceased's death certificate is attached hereto and made a part hereof.

12.

Appearers acknowledge and agree that no title examination was requested of the undersigned Notary Public, and therefore, no title examination was performed by the undersigned Notary Public. Likewise, no opinion as to the title of the herein described property is made by the undersigned Notary Public.

13.

Appearers acknowledge and agree that this affidavit may be signed in multiple counterparts and separate execution pages may be assembled and attached to form one instrument, which shall constitute one completely executed affidavit of small succession.

STATE OF TEXAS
CERTIFICATION OF VITAL RECORD

DEPARTMENT OF STATE HEALTH SERVICES
VITAL STATISTICS

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS
May 05 2023

STATE OF TEXAS **CERTIFICATE OF DEATH** **STATE FILE NUMBER** **142-23-074700**

LEGAL NAME OF DECEASED (Print Full Name Last, First, Middle Initial) **DAVID BOWMAN SHOMETTE** **DATE OF DEATH - ACTUAL OR PRESUMED** **APRIL 28, 2023**

3. SEX **MALE** 4. DATE OF BIRTH (mm-dd-yyyy) **NOVEMBER 10, 1958** 5. AGE - Last Birthday (Years) **64** 6. UNDER 1 YR **No** 7. UNDER 1 DAY **No** 8. BIRTHPLACE (City & State or Foreign Country) **BURNET, TX**

9. SOCIAL SECURITY NUMBER **[REDACTED]** 10. MARITAL STATUS AT TIME OF DEATH Married Widowed (not yet remarried) Never Married Unknown 11. SURVIVING SPOUSE'S NAME (If spouse, give name prior to first marriage) **JANET LANDERS**

12a. RESIDENCE STREET ADDRESS **858 RIVERFOREST DR** 12b. APT., NO. **PRECINCT 3** 12c. CITY OR TOWN **PRECINCT 3**

12d. COUNTY **COMAL** 12e. STATE **TEXAS** 12f. ZIP CODE **78132** 12g. INSIDE CITY LIMITS? Yes No

13. FATHER PARENT (NAME PRIOR TO FIRST MARRIAGE) **HARVEY CLARK SHOMETTE** 13. MOTHER PARENT (NAME PRIOR TO FIRST MARRIAGE) **SYDNEY LURILE BOWMAN**

14. COUNTY OF DEATH **COMAL** 15. CITY, TOWN, ZIP OF OUTSIDE CITY LIMITS, SPECIFY PRECINCT NO. **PRECINCT 3, 78132** 16. FACILITY (NAME if not extension; give street address) **PRECINCT 3**

17. INFORMANT'S NAME & RELATIONSHIP TO DECEASED **JANET SHOMETTE - WIFE** 18. MAILING ADDRESS OF INFORMANT (Street and Number, City, State, Zip Code) **858 RIVERFOREST DR., NEW BRAUNFELS, TX 78132**

19. METHOD OF DISPOSITION Burial Cremation Donation Entombment Other (Specify) 20. SIGNATURE AND LICENSE NUMBER OF FUNERAL DIRECTOR OR PERCELA ACTOR (If such) **RACHEL L. AMAYA, BY ELECTRONIC SIGNATURE - 114659** 21. Section **Unknown**

22. PLACE OF DISPOSITION (Name of cemetery, crematory, other place) **COMAL** 23. LOCATION (City, Town, and State) **PRECINCT 3, TX** 24. TITLE OF CERTIFIER **JP**

25. COMPLETE ADDRESS OF FUNERAL FACILITY (Street and Number, City, State, Zip Code) **108 E. BECKLEY STREET, LOGANPORT, TX 78042**

26. CERTIFIER (Check only one):
 Certifying Physician - To the best of my knowledge, death occurred due to the cause(s) stated and manner stated.
 Medical Examiner/Judge 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 **MIKE RUST** 28. DATE CERTIFIED (mm-dd-yyyy) **MAY 4, 2023** 29. LICENSE NUMBER **89999** 30. TIME OF DEATH (Actual or presumed) **10:09 PM**

31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code) **MIKE RUST 3079 W. SAN ANTONIO ST., NEW BRAUNFELS, TX 78132** 32. TITLE OF CERTIFIER **JP**

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) **PENDING** Due to (or as a consequence of) _____

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 _____ Due to (or as a consequence of) _____

PART 2. ENTER OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH, BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN PART 1 _____

34. WAS AN AUTOPSY PERFORMED? Yes No 35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? Yes No

36. MANNER OF DEATH 37. DID TOBACCO USE CONTRIBUTE TO DEATH? 38. IF FEMALE: 39. IF TRANSPORTATION INJURY, SPECIFY

Natural Yes Not pregnant within past year Driver/Operator
 Accident No Pregnant at time of death Passenger
 Suicide Previously Not pregnant, but pregnant within 42 days of death Pedestrian
 Homicide Probably Not pregnant, but pregnant 43 days to 1 year before death Other (Specify)
 Pending Investigation Unknown Unknown if pregnant within the past year

40a. DATE OF INJURY (mm-dd-yyyy) **APRIL 28, 2023** 40b. TIME OF INJURY **10:09 PM** 40c. INJURY AT WORK? Yes No 40d. PLACE OF INJURY (e.g., Decedent's home, construction site, restaurant, wooded area) **RESIDENCE**

40e. LOCATION (Street and Number, City, State, Zip Code) **858 RIVERFOREST DRIVE, NEW BRAUNFELS, TX 78132** 40f. COUNTY OF INJURY **COMAL**

41. DESCRIBE HOW INJURY OCCURRED **FELL DOWN CLIFFSIDE BEHIND RESIDENCE**

42a. REGISTRAR FILE NO. **02000530** 42b. DATE RECEIVED BY LOCAL REGISTRAR **MAY 5, 2023** 42c. REGISTRAR **Tara Das**

ECR NUMBER: 0200440812811

AMENDMENT TO MEDICAL CERTIFICATION OF CERTIFICATE OF DEATH

STATE OF TEXAS **STATE FILE NUMBER** **142-23-074700**

ENTER NAME OF DECEASED AND PLACE OF DEATH EXACTLY AS SHOWN ON ORIGINAL DEATH CERTIFICATE

NAME OF DECEASED **DAVID BOWMAN SHOMETTE** DATE OF DEATH **APRIL 28, 2023**

PLACE OF DEATH (City or Town and County) **PRECINCT 3 COMAL** IS THE DATE OF DEATH BEING CORRECTED? Yes No

26. CERTIFIER (Check only one):
 Certifying Physician - To the best of my knowledge, death occurred due to the cause(s) and manner stated.
 Medical Examiner/Judge 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 **MIKE RUST** 28. DATE CERTIFIED (mm-dd-yyyy) **MAY 11, 2023** 29. LICENSE NUMBER **99999** 30. TIME OF DEATH (Actual or presumed) **10:09 PM**

31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code) **MIKE RUST 3079 W. SAN ANTONIO ST., NEW BRAUNFELS, TX 78132** 32. TITLE OF CERTIFIER **JP**

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) **BLUNT TRAUMA** Due to (or as a consequence of) _____

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 _____ Due to (or as a consequence of) _____

PART 2. ENTER OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH, BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN PART 1 _____

34. WAS AN AUTOPSY PERFORMED? Yes No 35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? Yes No

36. MANNER OF DEATH 37. DID TOBACCO CONTRIBUTE TO DEATH? 38. IF FEMALE: 39. IF TRANSPORTATION INJURY, SPECIFY

Natural Yes Not pregnant within past year Driver/Operator
 Accident No Pregnant at time of death Passenger
 Suicide Previously Not pregnant, but pregnant within 42 days of death Pedestrian
 Homicide Probably Not pregnant, but pregnant 43 days to 1 year before death Other (Specify)
 Pending Investigation Unknown Unknown if pregnant within the past year

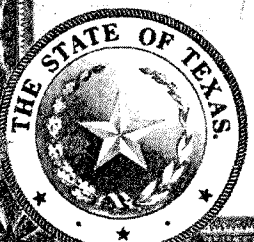
40a. DATE OF INJURY (mm-dd-yyyy) **APRIL 28, 2023** 40b. TIME OF INJURY **06:27 PM** 40c. INJURY AT WORK? Yes No 40d. PLACE OF INJURY (e.g., Decedent's home, construction site, restaurant, wooded area) **CLIFFSIDE**

40e. LOCATION (Street and Number, City, State, Zip Code) **858 RIVERFOREST DRIVE, NEW BRAUNFELS, TX 78132** 40f. COUNTY OF INJURY **COMAL**

41. DESCRIBE HOW INJURY OCCURRED **FELL DOWN CLIFFSIDE BEHIND RESIDENCE**

42a. REGISTRAR FILE NO. **02000530** 42b. DATE FILED **MAY 11, 2023** 42c. STATE REGISTRAR **Tara Das**

L 0 0 8 6 9 4 3 7



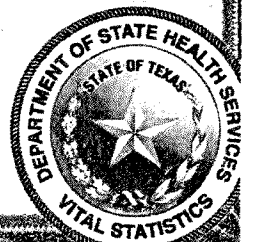
This is a true and correct copy of the record as registered in the State of Texas. Issued under the authority of Section 191.051, Health and Safety Code.

ISSUED **MAY 16 2023**

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

Tara Das
TARA DAS
STATE REGISTRAR

JTR



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

THUS DONE AND SIGNED at the UPS store #6190, State of Texas, by

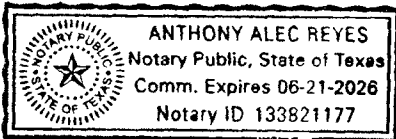
Janet L. Shomette having affixed her signature in the presence of me, Notary, and the undersigned witnesses, on the 29th day of April, 2024, after due reading of the whole.

WITNESSES:

[Signature]
Printed Name: Jacob Smith

[Signature]
Janet L. Shomette

[Signature]
Printed Name: Alyssa T Hoskins



[Signature]
Notary Public
Name: Anthony Alec Reyes
Notary/Bar Roll no. (if any): 133821177
My commission expires: 06/21/2026

THUS DONE AND SIGNED at New Braunfels, State of Texas, by
Jerry Werlla having affixed his signature in the presence of me, Notary, and the undersigned
witnesses, on the 29th day of April, 2024, after due reading of the whole.

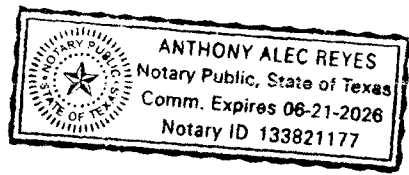
WITNESSES:

[Signature]
Printed Name: Allyse T Hoskins

[Signature]
Jerry Werlla

[Signature]
Printed Name: Jacob Smith

[Signature]
Notary Public
Name: Anthony Alec Reyes
Notary/Bar Roll no. (if any): 13382117
My commission expires: 06/21/2026



Terrebonne Parish Recording Page

Theresa A. Robichaux
Clerk Of Court
P.O. Box 1569
Houma, LA 70361-1569
(985) 868-5660

Received From :

Attn: KATHY B BLANCHARD
KEAN, MILLER LAW FIRM
ATTORNEYS AT LAW
P. O. BOX 3513
BATON ROUGE, LA 70821-3513

First VENDOR

SHOMETTE, DAVID B

First VENDEE

SHOMETTE, JANET L

Index Type : CONVEYANCES

File # : 1689811

Type of Document : AFFIDAVIT

Book : 2737 Page : 1

Recording Pages : 11

Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for Terrebonne Parish, Louisiana.

Theresa A. Robichaux

Clerk of Court

CLERK OF COURT
THERESAA. ROBICHAUX
Parish of Terrebonne

I certify that this is a true copy of the attached document that was filed for registry and
Recorded 05/07/2024 at 8:44:03
Recorded in Book 2737 Page 1
File Number 1689811



On (Recorded Date) : 05/07/2024

At (Recorded Time) : 8:44:03AM



Doc ID - 016430170011

Christine D. LeCompte

Deputy Clerk

Return To : Attn: KATHY B BLANCHARD
KEAN, MILLER LAW FIRM
ATTORNEYS AT LAW
P. O. BOX 3513
BATON ROUGE, LA 70821-3513

AFFIDAVIT FOR SMALL SUCCESSION
FOR DAVID B. SHOMETTE
PURSUANT TO LA. C.C.P. ART. 3432.1

BE IT KNOWN that before us, the undersigned Notaries Public, duly qualified and commissioned in and for the jurisdictions hereinafter set forth, and before the undersigned competent witnesses, personally came and appeared:

JANET L. SHOMETTE (SSN: XXX-XX-⁵⁵⁴⁷____), an unmarried individual of the full age of majority, the surviving spouse and residuary legatee of David B. Shomette as to his immovable property located in Louisiana described herein, whose mailing address is 858 Riverforest Drive, New Braunfels, Texas 78132, dealing herein with her separate property; and

JERRY WERLLA (SSN: XXX-XX-³⁴⁵³____), a married individual of the full age of majority and the brother-in-law of David B. Shomette, and a person who was well acquainted with David B. Shomette, whose mailing address is 26506 Forest Link, New Braunfels, Texas 78132;

(hereinafter collectively and individually referred to as "Affiant") both of the full age of majority, who, being first duly sworn, did depose and declare that:

1.

David B. Shomette (the "Deceased") died testate, domiciled in Comal County, Texas, on April 28, 2023. The Deceased resided at 858 Riverforest Drive, New Braunfels, Texas 78132, at the time of his death. The Deceased was married but once and then to Janet L. Shomette, who survived the deceased and to whom he was still married at the time of his death. The Deceased had no children born to or adopted by him. The Deceased owned immovable property in the Ewing Bank Block Area Federal Offshore of Louisiana and Outer Continental Shelf of the Gulf of Mexico at the time of his death. The assets in the Louisiana Succession of David B. Shomette consisted of community property only which is described herein. The immovable property was a part of the community of acquets and gains previously owned by the deceased and his surviving spouse, Janet L. Shomette, of whom is the owner of her undivided one-half (1/2) interest in the former community property described herein.

2.

The Deceased's last will and testament dated April 22, 2020, has been filed and admitted to probate in the Circuit Court in and for Comal County, Texas by an Order dated

August 22, 2023, in Cause No. 2023PC0329, Comal County, Texas. Exemplified copies of the following documents from the Texas probate proceeding are attached hereto and made a part hereof: Application to Probate Will and For Issuance of Letters Testamentary, Last Will and Testament of David Shomette, Proof of Death and Other Facts, Order Probating Will and Authorizing Letters Testamentary, Oath of Independent Executrix, Affidavit in Lieu of Inventory, Appraisement, and List of Claims, and Letters Testamentary.

3.

Article III, Section C., of the Deceased's last will and testament provides the following residuary legacy which includes the Deceased's interest in the Louisiana immovable community property:

ARTICLE III.
Specific Gifts

* * *

C. **Residuary Estate.** *I give all the rest and residue of my property and estate, including any of the above gifts that lapse (“my residuary estate”), as follows:*

1. *To my wife;*
2. *If my wife does not survive me, then my residuary estate will be divided out in the following manner:*
 - *Debbie Werlla: 35%*
 - *Don Landers: 35%*
 - *Mike Shomette: 10%*
 - *Tim Shomette: 10%*
 - *Donna K. Jose: 10%*
3. *In the event that one or more of the five devisees predeceases me, then I want the deceased devisee’s share to go to the heirs of said devisee.*

If all of the beneficiaries listed above fail to survive me, then all of the residue of my estate shall be divided into two equal halves with one-half being distributed to my heirs and one-half being distributed to my wife’s heirs.

4.

Janet L. Shomette is the surviving spouse of the Deceased. Therefore, she is entitled to be recognized as the sole residual legatee of the Deceased which residuary legacy includes the Deceased’s undivided one-half (1/2) interest in the community property located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the

Outer Continental Shelf of the Gulf of Mexico which property is more particularly described below. Janet L. Shomette is also the owner of her undivided one-half (1/2) interest in the community property previously owned by her and the Deceased.

5.

The Deceased owned the following described immovable property in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico, which was property being a part of the community of acquets and gains of the marriage to his surviving spouse, Janet L. Shomette, having the following value:

ASSETS

VALUE

(A) Louisiana Community Property

- (1) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil & Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the E/2; N/2NW/4; N/2SE/4NWW/4; S/2SW/4; S/2N/2SW/4 of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW834-A1. Well Name Code: OCS-G 27982. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$26,405.08

- (2) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area

Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 33707, dated effective as of May 1, 2010, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, covering all of Block 835, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW835#1. Well Name Code: OCS-G 33707. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$1,989.45

- (3) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil and Gas Lease of submerged Lands bearing Serial No. OCS-G 33140, dated effective as of July 1, 2009, between the United States of America, as Lessor, and Noble Energy, Inc., as Lessee, limited to the SW/4SW/4; S/2SE/4SW/4; S/2SW/4SE/4; NW/4SE/4SW/4, and limited to those depths from the surface down to and including 26,000' SSTVD; and as to all depths below 99,999' TVDSS in the entirety of Block 790, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Operating Rights being more particularly described in that Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the SW/4NW/4; S/2SE/4NW/4; N/2N/2SW/4; and limited from 9,701' to 99,999' SSTVD of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW790#2. Well Name Code: OCS-G 33140. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$20,382.29

- (4) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil and Gas Lease of submerged Lands bearing Serial No. OCS-G 33140, dated effective as of July 1, 2009, between the United States of America, as Lessor, and Noble Energy, Inc., as Lessee, limited to the SW/4SW/4; S/2SE/4SW/4; S/2SW/4SE/4; NW/4SE/4SW/4, and limited to those depths from the surface down to and including 26,000' SSTVD; and as to all depths below 99,999' TVDSS in the entirety of Block 790, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Operating Rights being more particularly described in that Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the SW/4NW/4; S/2SE/4NW/4; N/2N/2SW/4; and limited from 9,701' to 99,999' SSTVD of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW790#3. Well Name Code: OCS-G 33140. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$30,294.69

- (5) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil and Gas Lease of submerged Lands bearing Serial No. OCS-G 33140, dated effective as of July 1, 2009, between the United States of America, as Lessor, and Noble Energy, Inc., as Lessee, limited to the SW/4SW/4; S/2SE/4SW/4; S/2SW/4SE/4; NW/4SE/4SW/4, and limited to those depths from the surface down to and including 26,000' SSTVD; and as to all depths below 99,999' TVDSS in the entirety of Block 790, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Operating Rights being more particularly described in that Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the SW/4NW/4; S/2SE/4NW/4; N/2N/2SW/4; and limited from 9,701' to 99,999' SSTVD of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW790#9. Well Name Code: OCS-G 33140. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST	<u>\$9,472.45</u>
TOTAL VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST	<u>\$88,543.96</u>

6.

Affiants make this affidavit in compliance with the laws of the State of Louisiana, and particularly La. C.C.P. arts. 3421, 3432.1 and 3434.

7.

The gross value of the succession of the Deceased is under \$125,000.00.

8.

JANET L. SHOMETTE, (SSN: XXX-XX-~~5547~~), whose address is 858 Riverforest Drive, New Braunfels, Texas 78132, is the sole residual legatee and successor of the Deceased's Louisiana immovable property described above, and, as such, is entitled to the full ownership of all of the Deceased's right, title, and interest being an undivided one-half (1/2) interest in the Louisiana immovable property described above, all of which was community property a part of the acquets and gains of the marriage to the Deceased.

9.

Janet L. Shomette, as the sole residual legatee of the deceased, affirms that by signing this Affidavit, she accepts the legacy from the Deceased but under the benefit of inventory and shall only be liable for any debts and expenses of the succession as limited by Louisiana law.

10.

Janet L. Shomette and Jerry Werlla affirm that by signing this Affidavit they do swear under penalty of perjury that the information contained in this Affidavit is true, correct and complete to the best of their knowledge, information and belief, and that they have actual knowledge thereof.

11.

A photocopy of the Deceased's death certificate is attached hereto and made a part hereof.

12.

Appearers acknowledge and agree that no title examination was requested of the undersigned Notary Public, and therefore, no title examination was performed by the undersigned Notary Public. Likewise, no opinion as to the title of the herein described property is made by the undersigned Notary Public.

13.

Appearers acknowledge and agree that this affidavit may be signed in multiple counterparts and separate execution pages may be assembled and attached to form one instrument, which shall constitute one completely executed affidavit of small succession.

THUS DONE AND SIGNED at New Braunfels, State of Texas, by Janet L. Shomette having affixed her signature in the presence of me, Notary, and the undersigned witnesses, on the 29th day of April, 2024, after due reading of the whole.

WITNESSES:

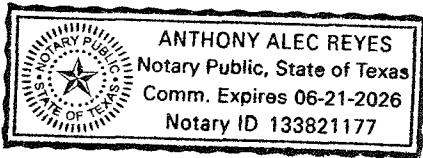
J. Smith
Printed Name: Jacob Smith

Janet L. Shomette
Janet L. Shomette

Alyse T. Hoskins
Printed Name: Alyse T. Hoskins

[Signature]
Notary Public
Name: Anthony Alec Reyes

Notary/Bar Roll no. (if any): 13382177
My commission expires: 06/21/2026



THUS DONE AND SIGNED at New Braunfels, State of Texas, by
Jerry Werlla having affixed his signature in the presence of me, Notary, and the undersigned
witnesses, on the 29th day of April, 20 24, after due reading of the whole.

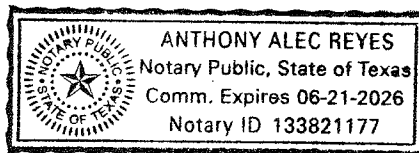
WITNESSES:

Alyse T. Hoskins
Printed Name: Alyse T. Hoskins

Jerry Werlla
Jerry Werlla

Jacob Smit
Printed Name: Jacob Smit

Anthony Alec Reyes
Notary Public
Name: Anthony Alec Reyes
Notary/Bar Roll no. (if any): 133821177
My commission expires: 06/21/2026



STATE OF TEXAS
CERTIFICATION OF VITAL RECORD

DEPARTMENT OF STATE HEALTH SERVICES
VITAL STATISTICS

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS
May 05 2023

STATE OF TEXAS CERTIFICATE OF DEATH STATE FILE NUMBER 142-23-074700

LEGAL NAME OF DECEASED (include AKA's, if any) (First, Middle, Last) DAVID BOWMAN SHOMETTE (Before Marriage) DATE OF DEATH - ACTUAL OR PRESUMED (mm-dd-yyyy) APRIL 28, 2023
SEX MALE DATE OF BIRTH (mm-dd-yyyy) NOVEMBER 10, 1958 AGE Last Birthday 64 BIRTHPLACE (City & State or Foreign Country) BURNET, TX
SOCIAL SECURITY NUMBER [REDACTED] MARITAL STATUS AT TIME OF DEATH [X] Married [] Widowed (and not remarried) [] Divorced (and not remarried) [] Never Married [] Unknown SURVIVING SPOUSE'S NAME (if spouse, give name prior to first marriage) JANET LANDERS
10a. RESIDENCE STREET ADDRESS 858 RIVERFOREST DR 10b. CITY OR TOWN PRECINCT 3
10c. COUNTY COMAL 10d. STATE TEXAS 10e. ZIP CODE 78132 10f. INSIDE CITY LIMITS? [X] Yes [] No
11. FATHER-PARENT 2 NAME PRIOR TO FIRST MARRIAGE HARVEY CLARK SHOMETTE 12. MOTHER-PARENT 1 NAME PRIOR TO FIRST MARRIAGE SYDNEY LURLINE BOWMAN
13. DEATH OCCURRED IN A HOSPITAL [] Inpatient [] ER/Outpatient [X] DCA [] Hospice Enclave [] Nursing Home [] Decedent's Home [] Other (Specify) PLACE OF DEATH (CHECK ONLY ONE)
14. COUNTY OF DEATH COMAL 15. CITY-TOWN, ZIP (IF OUTSIDE CITY LIMITS, GIVE PRECINCT NO.) PRECINCT 3, 78132 16. FACILITY NAME (if not institution, give street address) 858 RIVERFOREST DR
17. INFORMANT'S NAME & RELATIONSHIP TO DECEASED SHOMETTE - WIFE 18. MAILING ADDRESS OF INFORMANT (Street and Number, City, State, Zip Code) 858 RIVERFORSET DR, NEW BRAUNFELS, TX 78132
19. METHOD OF DISPOSITION [X] Burial [] Cremation [] Donation [] Mausoleum [] Other (Specify) 20. SIGNATURE OF INFORMANT (Print Name, License Number of Funeral Director or Person Acting as Such) RACHEL L. AMAYA BY ELECTRONIC SIGNATURE - 174659
21. Section [] Block [] Lot [] Space []
22. PLACE OF DISPOSITION (Name of cemetery, burial ground, other place) BLUEBERRY CEMETERY 23. LOCATION (City, town, and State) COMAL, TEXAS
24. NAME OF FUNERAL FACILITY ACCORD TO FUNERAL HOME 25. COMPLETE ADDRESS OF FUNERAL FACILITY (Street and Number, City, State, Zip Code) 105 E. PECAR'S STREET, LOCKHART, TX 78612
26. CERTIFIER (Check only one) [X] Certifying Physician - To the best of my knowledge, death occurred due to the cause(s) and manner stated. [] 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 MIKE RUST BY ELECTRONIC SIGNATURE 28. DATE CERTIFIED (mm-dd-yyyy) MAY 4, 2023 29. LICENSE NUMBER 99999 30. TIME OF DEATH (Actual or presumed) 10:09 PM
31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code) MIKE RUST, 3079 W. SAN ANTONIO ST., NEW BRAUNFELS, TX 78132 32. TITLE OF CERTIFIER JP
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. PENDING Due to (or as a consequence of) b. c. d.
34. WAS AN AUTOPSY PERFORMED? [X] Yes [] No
35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? [X] Yes [] No
36. MANNER OF DEATH [X] Natural [] Accidental [] Suicide [] Homicide [] Pending Investigation [] Could not be determined 37. DID TOBACCO CONTRIBUTE TO DEATH? [X] Yes [] No 38. IF FEMALE: [] Not pregnant within past year [] Pregnant at time of death [] Not pregnant, but pregnant within 42 days of death [] Not pregnant, but pregnant 43 days to one year before death [] Unknown if pregnant within the past year 39. IF TRANSPORTATION INJURY, SPECIFY: [] Driver/Operator [] Passenger [] Pedestrian [] Other (Specify)
40a. DATE OF INJURY (mm-dd-yyyy) APRIL 28, 2023 40b. TIME OF INJURY 10:09 PM [X] Yes [] No 40c. INJURY AT WORK? [X] No [] Yes 40d. PLACE OF INJURY (e.g. Decedent's home, construction site, restaurant, wooded area) RESIDENCE
40e. LOCATION (Street and Number, City, State, Zip Code) 858 RIVERFOREST DRIVE, NEW BRAUNFELS, TX 78132 40f. COUNTY OF INJURY COMAL
41. DESCRIBE HOW INJURY OCCURRED FELL DOWN CLIFFSIDE BEHIND RESIDENCE
42a. REGISTRAR FILE NO 02000530 42b. DATE RECEIVED BY LOCAL REGISTRAR MAY 5, 2023 42c. REGISTRAR TARA DAS

AMENDMENT TO MEDICAL CERTIFICATION OF CERTIFICATE OF DEATH

STATE OF TEXAS STATE FILE NUMBER 142-23-074700

ENTER NAME OF DECEASED AND PLACE OF DEATH EXACTLY AS SHOWN ON ORIGINAL DEATH CERTIFICATE

NAME OF DECEASED DAVID BOWMAN SHOMETTE DATE OF DEATH APRIL 28, 2023
PLACE OF DEATH (City or Town and County) PRECINCT 3 COMAL IS THE DATE OF DEATH BEING CORRECTED? [X] Yes [] No
26. CERTIFIER (Check only one) [X] Certifying Physician - To the best of my knowledge, death occurred due to the cause(s) and manner stated. [] 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 MIKE RUST BY ELECTRONIC SIGNATURE 28. DATE CERTIFIED MAY 11, 2023 29. LICENSE NUMBER 99999 30. TIME OF DEATH (Actual or presumed) 10:09 PM
31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code) MIKE RUST 3079 W. SAN ANTONIO ST., NEW BRAUNFELS, TX 78132 32. TITLE OF CERTIFIER JP
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. BLUNT TRAUMA Due to (or as a consequence of) b. c. d.
34. WAS AN AUTOPSY PERFORMED? [X] Yes [] No
35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? [X] Yes [] No
36. MANNER OF DEATH [X] Natural [] Accidental [] Suicide [] Homicide [] Pending Investigation [] Could not be determined 37. DID TOBACCO CONTRIBUTE TO DEATH? [X] Yes [] No 38. IF FEMALE: [] Not pregnant within past year [] Pregnant at time of death [] Not pregnant, but pregnant within 42 days of death [] Not pregnant, but pregnant 43 days to 1 year before death [] Unknown if pregnant within the past year 39. IF TRANSPORTATION INJURY, SPECIFY: [] Driver/Operator [] Passenger [] Pedestrian [] Other (Specify)
40a. DATE OF INJURY (mm-dd-yyyy) APRIL 28, 2023 40b. TIME OF INJURY 06:27 PM [X] Yes [] No 40c. INJURY AT WORK? [X] No [] Yes 40d. PLACE OF INJURY (e.g. Decedent's home, construction site, restaurant, wooded area) CLIFFSIDE
40e. LOCATION (Street and Number, City, State, Zip Code) 858 RIVERFOREST DRIVE, NEW BRAUNFELS, TX 78132 40f. COUNTY OF INJURY COMAL
41. DESCRIBE HOW INJURY OCCURRED FELL DOWN CLIFFSIDE BEHIND RESIDENCE
42a. REGISTRAR FILE NO 02000530 42b. DATE FILED MAY 11, 2023 42c. STATE REGISTRAR TARA DAS

JTR

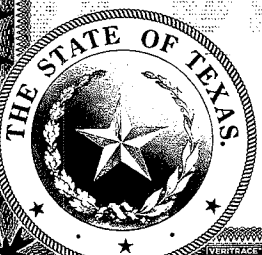
This is a true and correct copy of the record as registered in the State of Texas. Issued under the authority of Section 191.051, Health and Safety Code.

ISSUED MAY 16 2023

TARA DAS
STATE REGISTRAR

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

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



Lafourche Parish Recording Page

Annette M. Fontana
CLERK OF COURT
PO BOX 818
303 W 3rd St
Thibodaux, LA 70302
(985) 447-4841

First VENDOR

SHOMETTE, DAVID B SMALL SUCC

First VENDEE

SHOMETTE, JANET L

Index Type : CONVEYANCE

Inst Number : 1372808

Type of Document : SMALL SUCCESSION

Book : 2295 Page : 626

Recording Pages : 34

Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for Lafourche Parish, Louisiana.

On (Recorded Date) : 06/03/2024

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CLERK OF COURT
ANNETTE M. FONTANA
Parish of Lafourche
I certify that this is a true copy of the attached
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Recorded 06/03/2024 at 2:09:46
Recorded in Book 2295 Page 626
File Number 1372808

America Price
Deputy Clerk

Lafourche Parish Recording Page

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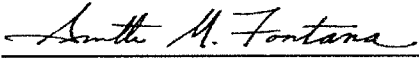
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Clerk of Court

AFFIDAVIT FOR SMALL SUCCESSION
FOR DAVID B. SHOMETTE
PURSUANT TO LA. C.C.P. ART. 3432.1

BE IT KNOWN that before us, the undersigned Notaries Public, duly qualified and commissioned in and for the jurisdictions hereinafter set forth, and before the undersigned competent witnesses, personally came and appeared:

JANET L. SHOMETTE (SSN: XXX-XX-⁵⁵⁴⁷____), an unmarried individual of the full age of majority, the surviving spouse and residuary legatee of David B. Shomette as to his immovable property located in Louisiana described herein, whose mailing address is 858 Riverforest Drive, New Braunfels, Texas 78132, dealing herein with her separate property; and

JERRY WERLLA (SSN: XXX-XX-³⁴⁵³____), a married individual of the full age of majority and the brother-in-law of David B. Shomette, and a person who was well acquainted with David B. Shomette, whose mailing address is 26506 Forest Link, New Braunfels, Texas 78132;

(hereinafter collectively and individually referred to as "Affiant") both of the full age of majority, who, being first duly sworn, did depose and declare that:

1.

David B. Shomette (the "Deceased") died testate, domiciled in Comal County, Texas, on April 28, 2023. The Deceased resided at 858 Riverforest Drive, New Braunfels, Texas 78132, at the time of his death. The Deceased was married but once and then to Janet L. Shomette, who survived the deceased and to whom he was still married at the time of his death. The Deceased had no children born to or adopted by him. The Deceased owned immovable property in the Ewing Bank Block Area Federal Offshore of Louisiana and Outer Continental Shelf of the Gulf of Mexico at the time of his death. The assets in the Louisiana Succession of David B. Shomette consisted of community property only which is described herein. The immovable property was a part of the community of acquets and gains previously owned by the deceased and his surviving spouse, Janet L. Shomette, of whom is the owner of her undivided one-half (1/2) interest in the former community property described herein.

2.

The Deceased's last will and testament dated April 22, 2020, has been filed and admitted to probate in the Circuit Court in and for Comal County, Texas by an Order dated

August 22, 2023, in Cause No. 2023PC0329, Comal County, Texas. Exemplified copies of the following documents from the Texas probate proceeding are attached hereto and made a part hereof: Application to Probate Will and For Issuance of Letters Testamentary, Last Will and Testament of David Shomette, Proof of Death and Other Facts, Order Probating Will and Authorizing Letters Testamentary, Oath of Independent Executrix, Affidavit in Lieu of Inventory, Appraisement, and List of Claims, and Letters Testamentary.

3.

Article III, Section C., of the Deceased's last will and testament provides the following residuary legacy which includes the Deceased's interest in the Louisiana immovable community property:

ARTICLE III.
Specific Gifts

* * *

C. **Residuary Estate.** *I give all the rest and residue of my property and estate, including any of the above gifts that lapse (“my residuary estate”), as follows:*

1. *To my wife;*
2. *If my wife does not survive me, then my residuary estate will be divided out in the following manner:*
 - *Debbie Werlla: 35%*
 - *Don Landers: 35%*
 - *Mike Shomette: 10%*
 - *Tim Shomette: 10%*
 - *Donna K. Jose: 10%*
3. *In the event that one or more of the five devisees predeceases me, then I want the deceased devisee’s share to go to the heirs of said devisee.*

If all of the beneficiaries listed above fail to survive me, then all of the residue of my estate shall be divided into two equal halves with one-half being distributed to my heirs and one-half being distributed to my wife’s heirs.

4.

Janet L. Shomette is the surviving spouse of the Deceased. Therefore, she is entitled to be recognized as the sole residual legatee of the Deceased which residuary legacy includes the Deceased’s undivided one-half (1/2) interest in the community property located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the

Outer Continental Shelf of the Gulf of Mexico which property is more particularly described below. Janet L. Shomette is also the owner of her undivided one-half (1/2) interest in the community property previously owned by her and the Deceased.

5.

The Deceased owned the following described immovable property in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico, which was property being a part of the community of acquets and gains of the marriage to his surviving spouse, Janet L. Shomette, having the following value:

ASSETS

VALUE

(A) Louisiana Community Property

- (1) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil & Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the E/2; N/2NW/4; N/2SE/4NWW/4; S/2SW/4; S/2N/2SW/4 of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW834-A1. Well Name Code: OCS-G 27982. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$26,405.08

- (2) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area

Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 33707, dated effective as of May 1, 2010, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, covering all of Block 835, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW835#1. Well Name Code: OCS-G 33707. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$1,989.45

- (3) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil and Gas Lease of submerged Lands bearing Serial No. OCS-G 33140, dated effective as of July 1, 2009, between the United States of America, as Lessor, and Noble Energy, Inc., as Lessee, limited to the SW/4SW/4; S/2SE/4SW/4; S/2SW/4SE/4; NW/4SE/4SW/4, and limited to those depths from the surface down to and including 26,000' SSTVD; and as to all depths below 99,999' TVDSS in the entirety of Block 790, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Operating Rights being more particularly described in that Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the SW/4NW/4; S/2SE/4NW/4; N/2N/2SW/4; and limited from 9,701' to 99,999' SSTVD of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW790#2. Well Name Code: OCS-G 33140. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$20,382.29

- (4) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil and Gas Lease of submerged Lands bearing Serial No. OCS-G 33140, dated effective as of July 1, 2009, between the United States of America, as Lessor, and Noble Energy, Inc., as Lessee, limited to the SW/4SW/4; S/2SE/4SW/4; S/2SW/4SE/4; NW/4SE/4SW/4, and limited to those depths from the surface down to and including 26,000' SSTVD; and as to all depths below 99,999' TVDSS in the entirety of Block 790, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Operating Rights being more particularly described in that Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the SW/4NW/4; S/2SE/4NW/4; N/2N/2SW/4; and limited from 9,701' to 99,999' SSTVD of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW790#3. Well Name Code: OCS-G 33140. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST \$30,294.69

- (5) All of the Deceased's right, title and interest, being an undivided one-half (1/2) interest in all of the Deceased's and the Deceased's spouse's community property interest in the following property, all located in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico:

All of the Deceased's and the Deceased's spouse's right, title, and interest, in any oil, gas and mineral rights, mineral leases and mineral royalties in the following property:

Land being more particularly described in that Oil and Gas Lease of submerged Lands bearing Serial No. OCS-G 33140, dated effective as of July 1, 2009, between the United States of America, as Lessor, and Noble Energy, Inc., as Lessee, limited to the SW/4SW/4; S/2SE/4SW/4; S/2SW/4SE/4; NW/4SE/4SW/4, and limited to those depths from the surface down to and including 26,000' SSTVD; and as to all depths below 99,999' TVDSS in the entirety of Block 790, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Operating Rights being more particularly described in that Oil and Gas Lease of Submerged Lands bearing Serial No. OCS-G 27982, dated effective as of July 1, 2006, between the United States of America, as Lessor, and Walter Oil & Gas Corporation, as Lessee, limited to the SW/4NW/4; S/2SE/4NW/4; N/2N/2SW/4; and limited from 9,701' to 99,999' SSTVD of Block 834, Ewing Bank, OCS Official Protraction Diagram, NH 15-12.

Said mineral interest includes a 0.003500 ORRI in well EW790#9. Well Name Code: OCS-G 33140. Owner Name: David B. Shomette.

Any other immovable property or mineral interests owned by the Deceased in the Ewing Bank Block Area Federal Offshore of the State of Louisiana and the Outer Continental Shelf of the Gulf of Mexico.

VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST	<u>\$9,472.45</u>
TOTAL VALUE OF DECEASED'S ONE-HALF (1/2) INTEREST	<u>\$88,543.96</u>

6.

Affiants make this affidavit in compliance with the laws of the State of Louisiana, and particularly La. C.C.P. arts. 3421, 3432.1 and 3434.

7.

The gross value of the succession of the Deceased is under \$125,000.00.

8.

JANET L. SHOMETTE, (SSN: XXX-XX-⁵⁵⁴⁷____), whose address is 858 Riverforest Drive, New Braunfels, Texas 78132, is the sole residual legatee and successor of the Deceased's Louisiana immovable property described above, and, as such, is entitled to the full ownership of all of the Deceased's right, title, and interest being an undivided one-half (1/2) interest in the Louisiana immovable property described above, all of which was community property a part of the acquets and gains of the marriage to the Deceased.

9.

Janet L. Shomette, as the sole residual legatee of the deceased, affirms that by signing this Affidavit, she accepts the legacy from the Deceased but under the benefit of inventory and shall only be liable for any debts and expenses of the succession as limited by Louisiana law.

10.

Janet L. Shomette and Jerry Werlla affirm that by signing this Affidavit they do swear under penalty of perjury that the information contained in this Affidavit is true, correct and complete to the best of their knowledge, information and belief, and that they have actual knowledge thereof.

11.

A photocopy of the Deceased's death certificate is attached hereto and made a part hereof.

12.

Appearers acknowledge and agree that no title examination was requested of the undersigned Notary Public, and therefore, no title examination was performed by the undersigned Notary Public. Likewise, no opinion as to the title of the herein described property is made by the undersigned Notary Public.

13.

Appearers acknowledge and agree that this affidavit may be signed in multiple counterparts and separate execution pages may be assembled and attached to form one instrument, which shall constitute one completely executed affidavit of small succession.

THIS DONE AND SIGNED at the UPS Store #6190, State of Texas, by

Janet L. Shomette having affixed her signature in the presence of me, Notary, and the undersigned witnesses, on the 29th day of April, 2024, after due reading of the whole.

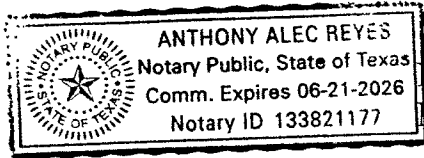
WITNESSES:

Alyse T. Hoskins
Printed Name: Alyse T. Hoskins

Janet L. Shomette
Janet L. Shomette

J. Smith
Printed Name: Jacob Smith

[Signature]



Notary Public
Name: Anthony Alec Reyes
Notary/Bar Roll no. (if any): 133821177
My commission expires: 06/21/2026

THUS DONE AND SIGNED at New Braunfels, State of Texas, by

Jerry Werlla having affixed his signature in the presence of me, Notary, and the undersigned witnesses, on the 29th day of April, 2024, after due reading of the whole.

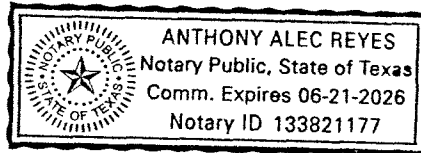
WITNESSES:

[Signature]
Printed Name: Alisse T Hoskins

[Signature]
Printed Name: Jerry Werlla

[Signature]
Printed Name: Jacob Smith

[Signature]
Notary Public
Name: Anthony Alec
Notary/Bar Roll no. (if any): 133,821,177
My commission expires: 06/21/2026



2023PC0329

CASE NO. _____

IN THE ESTATE OF § IN THE COUNTY COURT AT LAW
§
DAVID SHOMETTE a/k/a § NO. _____
DAVID B. SHOMETTE a/k/a §
DAVID BOWMAN SHOMETTE, §
DECEASED § COMAL COUNTY, TEXAS

**APPLICATION TO PROBATE WILL AND
FOR ISSUANCE OF LETTERS TESTAMENTARY**

TO THE HONORABLE JUDGE OF SAID COURT:

Janet Shomette ("Applicant"), furnishes the following information to the Court in support of this Application for the probate of the Will of David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette, Deceased ("Decedent"), and for issuance of Letters Testamentary:

1. Applicant, Janet Shomette, is the surviving spouse of the Decedent and is interested in this Estate. She is domiciled in Texas and resides at 858 River Forest Drive, New Braunfels, Texas 78132. Last three digits of Janet Shomette's Texas driver's license are 745. Last three digits of Janet Shomette's social security number are 547.
2. Decedent died on April 28, 2023, in Precinct 3, Comal County, Texas, at the age of 64. Decedent's domicile at the time of his death was 858 River Forest Drive, New Braunfels, Texas 78132. Last three digits of Decedent's Texas driver's license are 293. Last three digits of Decedent's social security number are 969.
3. This Court has jurisdiction and venue is proper because Decedent was domiciled in Texas and had a fixed place of residence in this County on the date of his death.

CERTIFIED TO BE A TRUE AND
CORRECT COPY.

Bobbie Koepf
BOBBIE KOEPP
COMAL COUNTY CLERK
PAGE 1 OF 21



4. Decedent owned property described generally as real estate, cash, personal effects and household goods of a probable value in excess of \$1,300,000.00.

5. Decedent left a valid Will dated April 22, 2020, which was never revoked. A true and correct copy of the Will is filed with this application. The Will is being delivered to the County Clerk pursuant to the Texas Rules of Civil Procedure.

6. The Will was made self-proved in the manner prescribed by law and the subscribing witnesses to the Will are Connie Hernandez and Isabeth Parga.

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

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

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

10. The Decedent had no children.

11. Decedent was married to Janet Shomette at the time of his death.

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

13. Decedent's Will names Janet Shomette, Applicant, as Independent Executrix to act independently, without bond or other security. Janet Shomette resides in New Braunfels, Comal County, Texas. Janet Shomette is not disqualified by law from serving as such or from accepting Letters Testamentary, and is entitled to such letters.

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 Janet Shomette; and that all other Orders be entered as the Court may deem proper.

CERTIFIED TO BE A TRUE AND
CORRECT COPY.



Bobbie Koepf
BOBBIE KOEPP
COMAL COUNTY CLERK
PAGE 2 OF 21

Respectfully submitted,

/s/ Brent A. Lane

Brent A. Lane
State Bar No.: 24046262
10611 Grant Road
Houston, Texas 77070
Telephone: (281) 897-8848
Facsimile: (281) 897-8850
E-mail: brent@beardlane.com
Attorney for Applicant

Application to Probate Will and for Issuance of Letters Testamentary – In the Estate of David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette, Deceased
Page 3 of 3

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CORRECT COPY.



Bobbie Koepf
BOBBIE KOEPP
COMAL COUNTY CLERK
PAGE 3 OF 21

LAST WILL AND TESTAMENT
OF
DAVID SHOMETTE

2023 JUL 11 PM 2:14

I, DAVID SHOMETTE, of Comal County, Texas, make this my Last Will and Testament, and I revoke all Wills and Codicils previously made by me.

BOBBIE KOEPP
COMAL COUNTY CLERK

Megan Williams

ARTICLE I.
Identification

A. **Wife.** My wife's name is JANET SHOMETTE. All references in this Will to "my wife" are to her.

B. **Children.** I have no children.

ARTICLE II.
Memorandum

I request that the beneficiaries of my estate and my Executor honor the provisions of any memorandum written by me directing the disposition of any portion of my personal and household effects.

ARTICLE III.
Specific Gifts

A. **Personal and Household Effects.** I give all of my personal and household effects:

1. To my wife;
2. If my wife does not survive me, then my residuary estate will be divided out in the following manner:
 - Debbie Werlla: 35%
 - Don Landers: 35%
 - Mike Shomette: 10%
 - Tim Shomette: 10%
 - Donna K. Jose: 10%
3. In the event that one of the five devisees predeceases me, then I want the deceased devisee's share to go to the heirs of said devisee.

If any beneficiary hereunder is a minor, the executor may distribute his/her share to him/her or for his/her use to any person with whom he/she is residing or who has the care or control of him/her, without further responsibility.

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CORRECT COPY.



Bobbie Koopp
BOBBIE KOEPP
COMAL COUNTY CLERK

PAGE 4 OF 11

“Personal and household effects” means all jewelry, clothing, household furniture and furnishing, china, silverware, pictures, works of art, collections, books, automobiles, recreational vehicles and equipment, boats and all other tangible personal property, not otherwise specifically disposed of by this Will, together with all policies of insurance issued on or in connection with the use of this property. *This excludes the items listed under “Specific Bequests”.*

If any items of personal and household effects pass to more than one beneficiary, I may express my desires as to the division of some of these items in a letter to my executor. It is my expectation that those desires will be carried out, and the executor shall be fully protected in relying upon any such letter. However, the executor shall have sole discretion to divide all of these items among the beneficiaries. In making up the respective shares, the executor may equalize an inequality in monetary value (as determined by the executor) by a distribution of case.

All expenses of packing, shipping, insuring, and delivering any of these items to a beneficiary shall be paid by the executor as an administration expense of my estate.

- B. **Specific Bequests.** I give all of my fishing equipment, hunting guns, and hunting gear to Riley Jones. If Riley Jones does not survive me, then Kevin Shomette.
- C. **Residuary Estate.** I give all the rest and residue of my property and estate, including any of the above gifts that lapse (“my residuary estate”), as follows:
1. To my wife:
 2. If my wife does not survive me, then my residuary estate will be divided out in the following manner:
 - Debbie Werlla: 35%
 - Don Landers: 35%
 - Mike Shomette: 10%
 - Tim Shomette: 10%
 - Donna K. Jose: 10%
 3. In the event that one or more of the five devisees predeceases me, then I want the deceased devisee’s share to go to the heirs of said devisee.

If all of the beneficiaries listed above fail to survive me, then all of the residue of my estate shall be divided into two equal halves with one-half being distributed to my heirs and one-half being distributed to my wife’s heirs.


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ARTICLE V.
Contingent Trusts

A. **Applicability.** Any share of my estate that is to be distributed to a person who is under the age of 18 or who is incapacitated (referred to herein as the "Beneficiary") shall be held by my Trustee as a separate trust for the benefit of such Beneficiary; provided, however, the provisions of this Article shall not apply to property distributed to my wife. Alternatively, my Trustee, in my Trustee's discretion, may hold such property as custodian under the uniform transfers to minors act of any state, as it is my intention to ensure maximum flexibility in the administration of such property.

B. **Distributions.** My Trustee shall distribute to the Beneficiary of each trust such amounts of the income and principal of such trust as my Trustee, in my Trustee's discretion, deems desirable from time to time to provide for such Beneficiary's health, support, maintenance or education, directly and without the interposition of any guardian or conservator.

C. **Termination.** Each trust created by this Article for a Beneficiary who is under age 18 shall terminate when such Beneficiary attains that age. Each trust created by this Article for a person who is incapacitated shall terminate when the Beneficiary of such trust, in the discretion of my Trustee, is no longer incapacitated. Upon the termination of a trust created by this Article, the remaining property of such trust shall be distributed to the Beneficiary of such trust, but if a Beneficiary dies before the termination of such Beneficiary's trust, then upon such Beneficiary's death the remaining property of such trust shall be distributed to such Beneficiary's estate.

ARTICLE VI.
Retirement Benefits Trusts

Notwithstanding any provision in this Will to the contrary, my Trustee shall hold the benefits and distributions from any Retirement Plan ("retirement benefits") which are payable to the Trustee of a trust created under Article V of this Will, or which are payable to a beneficiary subject to the terms of this Article, in a separate trust ("retirement benefits trust") created under this Article, and such separate retirement benefits trust shall be administered as follows: (1) all retirement benefits distributed to my Trustee shall be paid directly to the beneficiary of such trust upon receipt by my Trustee so that my Trustee shall serve as a conduit only; (2) my Trustee shall distribute to the beneficiary of such retirement benefits trust such additional amounts of the income and principal of such trust as my Trustee, in my Trustee's discretion, deems desirable from time to time to provide for such beneficiary's health, support, maintenance or education, directly and without the interposition of any guardian or conservator; (3) the beneficiary of such retirement benefits trust shall have no limited or general power of appointment over the property of such trust; and (4) each retirement benefits trust shall terminate when the beneficiary of such trust attains age 18, and upon such termination, the remaining property of such trust shall be distributed to the beneficiary of such trust, except that if a beneficiary dies before the termination


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CORRECT COPY.



Bobbie Koepf
BOBBIE KOEPP
COMAL COUNTY CLERK

PAGE 4 OF 21

of such beneficiary's trust, then upon such beneficiary's death, the remaining property of such trust shall be distributed to such beneficiary's estate. Each such separate retirement benefits trust shall be known by the name of the beneficiary of the trust followed by the words "Retirement Benefits Trust." Any provisions of this Will which may conflict with or fail to satisfy the intentions of this Article shall be disregarded, reconciled, or amplified to accomplish such intentions. Further, if the retirement benefits trust is not considered a qualifying trust for purposes of the "minimum distribution rules" of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended (the "Code"), my Trustee shall have the power to amend such retirement benefits trust (by acknowledged instrument and without the requirement of a court order approving such amendment) so that the trust will achieve those ends. References in this Article to "Retirement Plan" mean any employee or self-employed benefit plan or individual retirement account, and include any pension plan, thrift plan, stock bonus plan, tax sheltered annuity, profit-sharing plan, or other plan, arrangement or account which is qualified for favorable income tax treatment under the Code.

ARTICLE VII.

Executor and Trustee Appointments

A. **Executor.** I appoint my wife, JANET SHOMETTE, to be Independent Executrix of my Will and estate. If Janet Shomette fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve, I appoint BRENT A. LANE to be Independent Executor of my Will and estate. If Brent A. Lane fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve, I appoint DEBBIE WERLLA to be Independent Executrix of my Will and estate.

A. **Trustee.** I appoint my wife, JANET SHOMETTE, to be Trustee of all trusts created by my Will. If Janet Shomette fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve, I appoint DEBBIE WERLLA to be Trustee of all trusts created by my Will. If Debbie Werlla fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve, I appoint DONNIE LANDERS to be Trustee of all trusts created by my Will.

B.

C. **Bond; Independent Administration.** To the extent permissible by law, no bond, surety, or other security shall be required of my Executor or of my Trustee in any jurisdiction. No action shall be required in any court in relation to the settlement of my estate other than the probating and recording of my Will and, if required by law, the return of an inventory, appraisalment, and list of claims of my estate. An affidavit in lieu of inventory may be substituted for an inventory, appraisalment, and list of claims if permitted by law.

D. **Expenses and Compensation.** Every Executor and Trustee shall be reimbursed for the reasonable costs and expenses incurred in connection with such Executor's or such Trustee's duties. Every Executor and Trustee shall be entitled to fair and reasonable compensation for services rendered by such Executor or such Trustee in an amount not



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COMAL COUNTY CLERK

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exceeding the customary and prevailing charges for services of a similar character at the time and place such services are performed.

E. **Ancillary Executors and Trustees.** If my estate or any trust created by this Will contains property located in another state or a foreign jurisdiction and my Executor or Trustee cannot or chooses not to serve under the laws thereof, my Executor or Trustee shall have the power to appoint an ancillary individual or corporate Executor or Trustee of such property.

F. **Multiple Executors and Trustees.** Unless another meaning is clearly indicated or required by context or circumstances, the term "Executor" or "Trustee" shall also mean and include all persons or entities who may at any time be serving and any Co-Executors, Co-Trustees, alternates, or successors. Except as otherwise specifically provided in this Will, if Co-Executors or Co-Trustees are designated to serve hereunder or if Co-Executors or Co-Trustees are already serving, and one such Co-Executor or Co-Trustee declines to serve, fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve for any reason, then the remaining Executor or Trustee, or Co-Executors or Co-Trustees, as the case may be, shall serve or continue to serve in such capacity.

G. **Actions by Co-Executors and Co-Trustees.** When multiple Executors or Trustees are serving, each such Executor or Trustee shall have the authority to act alone and independently of the other Executors or Trustees then serving, without the necessity of consultation with or approval of any other Co-Executor or Co-Trustee. Any writing signed by a Co-Executor or Co-Trustee with the authority to act alone and independently shall be valid and effective for all purposes as if signed by all such Executors or Trustees.

ARTICLE VIII
Executor and Trustee Powers

Each Executor and Trustee shall, to the extent permitted by law, act independently and free from the control of any court as to my estate and as to every trust established under this Will (and as to all of the property of my estate and all of the property of every trust created under this Will). Each Executor and Trustee shall have and possess all powers and authorities conferred by statute or common law in any jurisdiction in which such Executor and Trustee may act, including all powers and authorities conferred by the Texas Estates Code and the Texas Trust Code, and by any future amendments thereto, except for any instance in which such powers and authorities may conflict with the express provisions of this Will, in which case the express provisions of this Will shall control. In addition to such powers and authorities, each Executor and Trustee shall have and possess the following powers and authorities (each of which shall be exercisable in the discretion of such Executor or Trustee) with respect to my estate and every trust established hereunder, and the following provisions shall apply to my estate and every trust established under this Will:


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(1) To retain, in the discretion of my Executor or Trustee, any property owned by me without regard to the duty to diversify investments under the laws governing my estate or a trust created hereunder and without liability for any depreciation or loss occasioned by such retention;

(2) To exchange, sell or lease (including leases for terms exceeding the duration of all trusts created by this Will) for cash, property or credit, or to partition, publicly or privately, at such prices, on such terms, times and conditions and by instruments of such character and with such covenants as my Executor or Trustee deems proper, all or any part of the properties of my estate or any trust, including real property, and no vendee or lessee shall be required to look to the application of any funds paid to my Executor or Trustee;

(3) To borrow money from any source (including any Executor or Trustee) and to mortgage, pledge, or in any other manner encumber all or any part of the properties of my estate or any trust as may be advisable in the judgment of my Executor or Trustee for the advantageous administration of my estate or any trust;

(4) To make, in the discretion of my Executor or Trustee, any distribution required or permitted to be made to any beneficiary under this Will, or under any trust established by this Will, in any of the following ways when such beneficiary is a minor or is incapacitated: (i) to such beneficiary directly; (ii) to the guardian or conservator of such beneficiary's person or estate; (iii) by applying the required or permitted distribution for the benefit of such beneficiary; (iv) to a person or financial institution serving as custodian for such beneficiary under a uniform transfers to minors act of any state; (v) by reimbursing or advancing funds to the person who is actually taking care of such beneficiary (even though such person is not the legal guardian or conservator) for expenditures made or to be made by such person for the benefit of such beneficiary; and (vi) by managing such distribution as a separate fund on the beneficiary's behalf, subject to the beneficiary's continuing right to withdraw the distribution; and the written receipts of the persons receiving such distributions shall be full and complete acquittances to my Executor or Trustee;

(5) To make divisions, partitions, or distributions in money or in kind, or partly in each, whenever required or permitted to divide, partition, or distribute all or any part of my estate or of any trust; and, in making any such divisions, partitions, or distributions, the judgment of my Executor or Trustee in the selection and valuation of the assets to be so divided, partitioned, or distributed shall be binding and conclusive; and, further, my Executor shall be authorized to make distributions from my estate on a non-pro rata basis;


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(6) To invest and reinvest the properties of my estate or of any trust in any kind of property whatsoever, real or personal, whether or not productive of income and without regard to the proportion that such property or property of a similar character held may bear to my entire estate or to the entire trust, and to make loans to any beneficiary of any trust with adequate security and at an adequate interest rate; and

(7) To enter into any transaction on behalf of my estate or of any trust (including loans to beneficiaries for adequate security and adequate interest) despite the fact that another party to any such transaction may be (i) a trust of which any Executor or Trustee under this Will is also a trustee, including any trust established by this Will; (ii) an estate of which any Executor or Trustee under this Will is also an executor, personal representative or administrator, including my estate; (iii) a business or trust controlled by any Executor or Trustee under this Will or of which any such Executor or Trustee, or any director, officer or employee of any such corporate Executor or corporate Trustee is also a director, officer or employee; or (iv) any beneficiary, Trustee, or Executor under this Will acting individually.

ARTICLE IX.
Miscellaneous

A. **Spendthrift Provisions.** Each trust created by this Will shall be a spendthrift trust to the fullest extent allowed by law. Prior to the actual receipt of property by any beneficiary, no property (income or principal) distributable under this Will or under any trust created by this Will shall, voluntarily or involuntarily, be subject to anticipation or assignment by any beneficiary, or to attachment by or to the interference or control of any creditor or assignee of any beneficiary, or taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary, and any attempted transfer or encumbrance of any interest in such property by any beneficiary hereunder prior to distribution shall be void.

B. **Accounting.** All properties, books of account, and records of my estate and of each trust created by my Will shall be made available for inspection at all times during normal business hours by any beneficiary of my estate or such trust who is entitled thereto, or by any person designated by such beneficiary. Furthermore, within 60 days of receiving a written request from a beneficiary of my estate or of a trust created by my Will who is entitled to receive an accounting, my Trustee shall furnish an accounting to such beneficiary. Any such accounting shall comply with the requirements of the Texas Trust Code and shall be deemed correct and binding one year after receipt by the requesting beneficiary.

C. **Survivorship Provisions.** No person shall be deemed to have survived me if such person shall die within 30 days after my death; however, my Executor may make distributions from my estate within that period for the support of my wife and my children. Any person who is


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prohibited by law from inheriting property from me shall be treated as having failed to survive me.

D. Payment of Debts. I direct that all of my legal debts, funeral and testamentary expenses, costs and expenses of administration of my estate, and all estate, inheritance, transfer and succession taxes (Federal, State and others) upon or with respect to any property required to be included in my gross estate under the provisions of any law, and whether or not passing hereunder, shall be paid as soon after my death as in the opinion of my Executor is practical and advisable. If at the time of my death any of my property is subject to a mortgage, lien, or other debt, I direct that the devisee taking such property shall take it subject to such mortgage, lien, or other debt, and that such person shall not be entitled to have the obligation secured thereby paid out of my general estate. My Executor is specifically given the right to renew, refinance and extend, in any form that my Executor deems best, any secured or unsecured debt or charge existing at the time of my death. Under no circumstances shall my Executor be required to prepay any debt of mine.

E. Will Not Contractual. My wife and I are executing Wills at approximately the same time in which each of us may be a primary beneficiary of the Will of the other. Our Wills are not executed because of any agreement between the two of us. Either Will may be revoked at any time in the sole discretion of the maker thereof.

My Will is not executed because of any agreement between myself and any beneficiary. This Will may be revoked at any time in the sole discretion of the maker thereof.

F. Descendants. References to "descendant" or "descendants" mean lineal blood descendants of the first, second or any other degree of the ancestor designated; provided, however, such references shall include, with respect to any provision of this Will, descendants who have been conceived at any specific point in time relevant to such provision and who thereafter survive birth; and provided, further, an adopted child and such adopted child's lineal descendants by blood or adoption shall be considered under my Will as lineal blood descendants of the adopting parent or parents and of anyone who is by blood or adoption a lineal ancestor of the adopting parent or of either of the adopting parents.

G. Discretion. Whenever in this Will an action is authorized in the discretion of my Executor or Trustee, the term "discretion" shall mean the reasonable discretion of such Executor or Trustee.

H. Incapacitated. A beneficiary shall be deemed "incapacitated" if my Executor or Trustee, in my Executor's or Trustee's discretion, determines that such beneficiary lacks the ability, due to a physical or mental condition, to manage his or her own personal and financial affairs. My Executor or Trustee shall be deemed "incapacitated" if and for as long as (i) a court of competent jurisdiction has made a finding to that effect, (ii) a guardian or conservator of such Executor's or Trustee's person or estate has been appointed by a court of competent jurisdiction


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and is serving as such, or (iii) one physician (licensed to practice medicine in the state where my Executor or Trustee is domiciled at the time of the certification, and who is board certified in the specialty most closely associated with the cause of such Executor's or Trustee's incapacity) certifies that due to a physical or mental condition my Executor or Trustee lacks the ability to manage his or her own personal and financial affairs. An Executor or Trustee shall immediately cease to serve upon being deemed incapacitated.

I. Heirs. References to "heirs" are to those persons who would inherit separate personal property from the person designated under the statutes of descent and distribution of the State of Texas, if such person died intestate and single at such time.

J. Governing Law. The construction, validity and administration of each trust created under this Will shall be controlled by the laws of the State of Texas. My Trustee may designate the laws of another jurisdiction as the controlling law with respect to the construction, validity and administration of a particular trust if either (i) my Trustee resides in, or administers that trust in, such designated jurisdiction (or in the case of a corporate Trustee, if such corporate Trustee is chartered in such designated jurisdiction), or (ii) the primary beneficiary of such trust resides in such designated jurisdiction, in which case the laws of such designated jurisdiction shall apply to such trust as of the date specified in such designation. Any such designation shall be in writing and shall be delivered to each beneficiary of the affected trust.

K. Right To Use Principal Residence. Each primary beneficiary of a trust created hereunder who desires to qualify eligible real or personal property for the homestead exemption shall have the right to use and occupy such property owned by such trust as such primary beneficiary's principal residence rent free and without charge for life or until such trust terminates, whichever occurs first. Further, any such property (or any interest therein) shall be acquired by an instrument of title that describes the property with sufficient certainty to identify it and the interest acquired, and the instrument shall be recorded in the real property records of the county in which the property is located. It is my intention that each home owned by a trust created under my Will qualify for the homestead exemption and that the trust which owns such property is a "qualifying trust" as defined and described in Section 11.13(j) of the Texas Tax Code and, if applicable, Section 41.0021 of the Texas Property Code.

L. Per Capita At Each Generation. When a distribution is to be made to a person's descendants "per capita at each generation," property shall be divided into as many equal shares as there are (i) surviving members of the nearest generation of descendants who survive such person, and (ii) deceased members of that generation who left descendants who survive such person. This division into shares shall begin at the generation nearest to such person that has a surviving member. Each surviving member of the nearest generation of descendants with a member who survives such person shall receive one share, and the remaining share or shares, if any, that would have passed to each deceased member of that generation who left descendants who survive such person shall be combined and then divided and allocated in the same manner (by reapplying the preceding rule) among his or her remaining descendants who survive such


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person as if the descendants already allocated a share and their descendants had failed to survive such person. This definition is intended to override any conflicting or contrary common law definition.

ARTICLE X.
No Contest Clause

If any beneficiary of my estate or of a trust created hereunder in any manner, directly or indirectly, contests the probate or validity of this Will or any of its provisions, or institutes or joins in, except as a party defendant, any proceeding to contest the probate or validity of this Will or to prevent any provision hereof from being carried out in accordance with the terms hereof, then all benefits provided for such beneficiary are revoked and shall pass as if that contesting beneficiary had failed to survive me. Each benefit conferred herein is made on the condition precedent that the beneficiary receiving such benefit shall accept and agree to all of the provisions of this Will or any trust created hereunder, and the provisions of this Article are an essential part of each and every benefit. My Executor or Trustee shall be reimbursed for the reasonable costs and expenses, including attorneys' fees, incurred in connection with the defense of any such contest. Such reimbursement shall be made from my estate if the contest involves my estate, or from the affected trust if the contest involves a trust.


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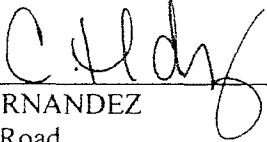
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COMAL COUNTY CLERK
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I, DAVID SHOMETTE, as testator, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority that this instrument is my will, that I willingly make and execute it in the presence of the undersigned witnesses, all of whom are present at the same time. as my free act and deed, and that I request 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 4-22, 2020.




DAVID SHOMETTE, Testator

The undersigned, CONNIE HERNANDEZ and ISABETH PARGA, each being above fourteen years of age, after being duly sworn, declare to the testator and to the undersigned authority that the testator declared to us that this instrument is the testator's will and that the testator requested us to act as witnesses to the testator's will and signature. The testator then signed this will in our presence, all of us being present at the same time. The testator 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 of the Maritime Service), and we believe the testator to be of sound mind. We now sign our names as attesting witnesses in the presence of the testator, each other, and the undersigned authority on April 22, 2020.




CONNIE HERNANDEZ
10611 Grant Road
Houston, Texas 77070



ISABETH PARGA
10611 Grant Road
Houston, Texas 77070

Subscribed and sworn to before me by the said DAVID SHOMETTE, the testator, and by the said CONNIE HERNANDEZ and ISABETH PARGA, witnesses, on April 22, 2020.



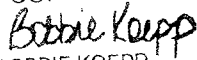


Notary Public, State of Texas



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COMAL COUNTY CLERK
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CAUSE NO. 2023PC0329

IN THE ESTATE OF § IN THE COUNTY COURT AT LAW
§
DAVID SHOMETTE a/k/a § NO. 2
DAVID B. SHOMETTE a/k/a §
DAVID BOWMAN SHOMETTE, §
DECEASED § COMAL COUNTY, TEXAS

PROOF OF DEATH AND OTHER FACTS

On this day, Janet Shomette ("Affiant"), after being duly sworn, deposed and said that:

1. "David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette (Decedent) died on April 28, 2023, in Precinct 3, Comal County, Texas, at the age of 64. Decedent's domicile at the time of his death was 858 Riverforest Drive, New Braunfels, Texas 78132.
2. "The Court has jurisdiction and venue over the estate in that Decedent was domiciled and had a fixed place of residence in Comal County, Texas on the date of his death.
3. "To the best of my knowledge Decedent died testate, and his Will was signed on April 22, 2020. The Will has been filed with the Court.
4. "Citation has been served and returned in the manner and for the length of time required by the Texas Estates Code.
5. "A necessity exists for the administration of this estate.
6. "The Will was made self-proved in the manner prescribed by law and the subscribing witnesses to the Will are Connie Hernandez and Isabeth Parga.
7. "To the best of my knowledge, the Will filed for probate was never revoked by David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette, Deceased.

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COMAL COUNTY CLERK
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8. "No state, governmental agency of the state, nor charitable organization is named by the Will as a devisee.

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

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

11. "Decedent's Will named Janet Shomette to serve as Independent Executrix to act independently.

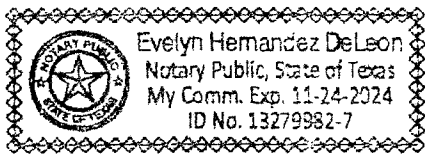
12. "To the best of my knowledge, the proof required for probate has been made, Janet Shomette is not disqualified by law from accepting Letters Testamentary or from serving as Executrix and is entitled to such Letters and is the person named in Decedent's Will."

Signed this the 14th day of August, 2023.

Janet Shomette
Janet Shomette

STATE OF TEXAS)
COUNTY OF Comal)

SWORN TO AND SUBSCRIBED BEFORE ME on this the 14th day of August 2023 by the said Janet Shomette.



Evelyn Hernandez
Notary Public in and for the
State of Texas

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COMAL COUNTY CLERK
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FILED
8/22/2023

Bobbie Koepf
County Clerk
Comal County
Accepted By:
Megan Williams

CAUSE NO. 2023PC0329

<p>IN THE ESTATE OF</p> <p>DAVID SHOMETTE a/k/a</p> <p>DAVID B. SHOMETTE a/k/a</p> <p>DAVID BOWMAN SHOMETTE,</p> <p>DECEASED</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>IN THE COUNTY COURT AT LAW</p> <p>NO. 2</p> <p>COMAL COUNTY, TEXAS</p>
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**ORDER PROBATING WILL AND
AUTHORIZING LETTERS TESTAMENTARY**


On this day came on to be heard the Application filed herein by Janet Shomette on June 30, 2023, for the probate of the Will of David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette, 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 April 22, 2020 with the formalities and solemnities and under the circumstances required by law to make it a valid Will; that such Will has not been revoked by Decedent; that Decedent died in Comal County, Texas on April 28, 2023; that this Court has jurisdiction and venue over the estate because Decedent was domiciled in Texas and had a fixed place of residence in Comal 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 Janet Shomette to serve as Independent Executrix to act independently, and the said Janet Shomette is not disqualified by law from serving as such or from accepting Letters Testamentary, and is entitled to such letters.

Order Probating Will and Authorizing Letters Testamentary – In the Estate of David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette, Deceased
Page 1 of 2

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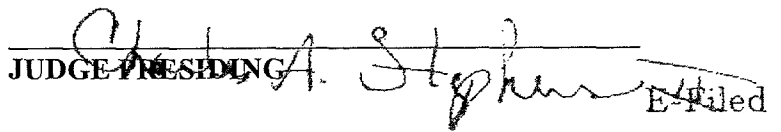


IT IS THEREFORE ORDERED AND DECREED by the Court that said Will is hereby proved and established and admitted to probate and recorded as the **WILL** of said David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette, Deceased, and that Janet Shomette be, and is hereby appointed Independent Executrix of said Will and Estate with no bond being set.

IT IS FURTHER ORDERED by the Court that Letters Testamentary upon the Will and Estate of David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette, Deceased, be and the same are hereby granted, that the Clerk shall issue said Letters Testamentary to Janet Shomette, as Independent Executrix, 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. The appointment of appraisers is hereby waived.

8/21/2023

SIGNED this ____ day of _____, 2023.


JUDGE PRESIDING E-Filed

APPROVED AS TO FORM:

/s/ Brent A. Lane


Brent A. Lane
Attorney for Applicant
State Bar No.: 24046262
10611 Grant Road
Houston, Texas 77070
Telephone: (281) 897-8848
Facsimile: (281) 897-8850
E-mail: brent@beardlane.com

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Order Probating Will and Authorizing Letters Testamentary – In the Estate of David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette, Deceased
Page 2 of 2

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CAUSE NO. 2023PC0329

IN THE ESTATE OF § IN THE COUNTY COURT AT LAW
§
DAVID SHOMETTE a/k/a § NO. 2
DAVID B. SHOMETTE a/k/a §
DAVID BOWMAN SHOMETTE, §
DECEASED § COMAL COUNTY, TEXAS

**AFFIDAVIT IN LIEU OF INVENTORY,
APPRAISEMENT, AND LIST OF CLAIMS**

BEFORE ME, the undersigned authority, on this day personally appeared JANET SHOMETTE, known to me to be the person whose name is subscribed below, and stated under oath that the following is a correct and complete statement of the facts and matters to which it relates and all the contents thereof are true, complete, and correct to the best of Janet Shomette's knowledge.

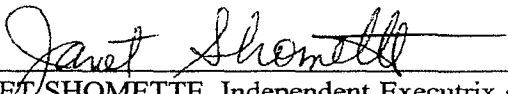
"My name is Janet Shomette and I am of sound mind and capable of making this affidavit. I am personally acquainted with the facts herein stated;

"I am the Independent Executrix in the above-entitled cause;

"All of the debts of the Estate have been paid; and

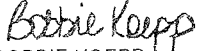
"All beneficiaries have received a verified, full, and detailed inventory of the estate."

SIGNED on December 19, 2023.



JANET SHOMETTE, Independent Executrix of the
Estate of David Shomette a/k/a David B. Shomette
a/k/a David Bowman Shomette, Deceased

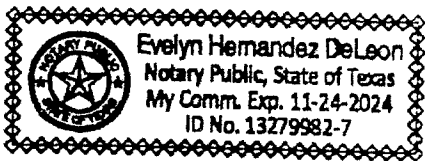
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STATE OF TEXAS)
COUNTY OF Comal)

SWORN TO AND SUBSCRIBED BEFORE ME on this this the 9th day of December, 2023 by JANET SHOMETTE, Independent Executrix of the Estate of David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette, Deceased, to certify which witness my hand and seal of office.



Evelyn Hernandez DeLeon
Notary Public, State of Texas

STATE OF TEXAS
COUNTY OF COMAL
I certify this to be a true and correct copy of the record FILED & RECORDED in the Official Public Records of Comal County on the date and time stamped thereon.

Bobbie Koopp
Bobbie Koopp
County Clerk
By [Signature]

Affidavit In Lieu Of Inventory, Appraisal, and List of Claims – In the Estate of David Shomette a/k/a David B. Shomette a/k/a David Bowman Shomette, Deceased
Page 2 of 2

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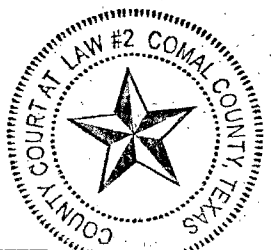
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EXEMPLIFIED CERTIFICATE

THE STATE OF TEXAS *

COUNTY OF COMAL * I, BOBBIE KOEPP, Clerk of the County Court at Law #2 of Comal County, Texas, do hereby certify and attest the foregoing to be a true and correct copy of the originals on file and of record in my office.

IN TESTIMONY WHEREOF, witness my hand and seal of said office in the city of New Braunfels, Texas, this 20 day of March, 2024.



Bobbie Koepf

Clerk of the County Court at Law #2
Comal County, Texas

THE STATE OF TEXAS *

COUNTY OF COMAL * I, CHARLES A. STEPHENS, II, Judge of the County Court at Law #2 in and for Comal County, Texas, do hereby certify that said Court is a Court of Record and that BOBBIE KOEPP is the Clerk thereof, and that the above and foregoing is her genuine signature and the Attestation is in due and legal form and is entitled to all due credit as such.

IN TESTIMONY WHEREOF, witness my hand and seal of said Court, at office in the city of New Braunfels, Texas, this 20 day of March, 2024.



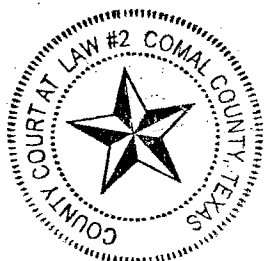
Charles A. Stephens II

Judge, County Court at Law #2
Comal County, Texas

THE STATE OF TEXAS *

COUNTY OF COMAL * I, BOBBIE KOEPP, Clerk of the County Court at Law #2 of Comal County, Texas, do hereby certify that said Court is a Court of Record and that CHARLES A. STEPHENS, II is the Judge thereof, and that the above and foregoing is his genuine signature and that the Attestation is in due and legal form and is entitled to all due credit as such.

IN TESTIMONY WHEREOF, witness my hand and seal of said office in the city of New Braunfels, Texas, this 20 day of March, 2024.



Bobbie Koepf

Clerk of the County Court at Law #2
Comal County, Texas

LETTERS TESTAMENTARY

THE STATE OF TEXAS

CAUSE NO. 2023PC0329

COUNTY OF COMAL

IN COUNTY COURT AT LAW

COMAL COUNTY, TEXAS

I, the undersigned Clerk of the County Court at Law of Comal County, Texas, do hereby certify that on the 21st day of August A.D., 2023,

JANET SHOMETTE

was by said court duly granted Letters Testamentary of the Estate of

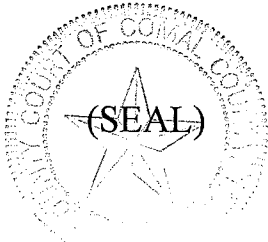
DAVID SHOMETTE

AKA DAVID B. SHOMETTE

AKA DAVID BOWMAN SHOMETTE, deceased,

and that she has duly qualified as Independent Executor of said Estate on the 30th day of August A.D., 2023 as the law requires and that said appointment is still in full force and effect.

Witness my hand and seal of said court, at New Braunfels, Texas this 19th day of March A.D., 2024.



BOBBIE KOEPP, CLERK
COUNTY COURT AT LAW
COMAL COUNTY, TEXAS

BY Megan Williams
DEPUTY

STATE OF TEXAS
CERTIFICATION OF VITAL RECORD

DEPARTMENT OF STATE HEALTH SERVICES
VITAL STATISTICS

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS

May 05 2023

STATE OF TEXAS

CERTIFICATE OF DEATH

STATE FILE NUMBER

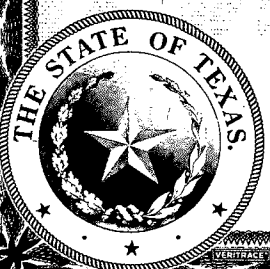
142-23-074700

LEGAL NAME OF DECEASED (include AKA's, if any) (First, Middle, Last) DAVID BOWMAN SHOMETTE
DATE OF BIRTH (mm-dd-yyyy) NOVEMBER 10, 1958
AGE-Last Birthday 64
DATE OF DEATH - ACTUAL OR PRESUMED APRIL 28, 2023
BIRTHPLACE (City & State or Foreign Country) BURNET, TX
MARRIAGE STATUS AT TIME OF DEATH Married
SURVIVING SPOUSE'S NAME (If spouse, give name prior to first marriage) JANET LANDERS
RESIDENCE STREET ADDRESS 858 RIVERFOREST DR
CITY OR TOWN PRECINCT 3
COUNTY COMAL
STATE TEXAS
ZIP CODE 78132
INSIDE CITY LIMITS? Yes
FATHER PARENT 1 NAME PRIOR TO FIRST MARRIAGE HARVEY CLARK SHOMETTE
MOTHER PARENT 1 NAME PRIOR TO FIRST MARRIAGE SYDNEY LURLINE BOWMAN
PLACE OF DEATH (CHECK ONLY ONE)
14. COUNTY OF DEATH COMAL
15. CITY/TOWN, ZIP (IF OUTSIDE CITY LIMITS, GIVE PRECINCT NO.) PRECINCT 3, 78132
16. FACILITY NAME (if not institution, give street address) 858 RIVERFOREST DR
INFORMANT'S NAME & RELATIONSHIP TO DECEASED JANET SHOMETTE - WIFE
MAILING ADDRESS OF INFORMANT (Street and Number, City, State, Zip Code) 858 RIVERFOREST DR, NEW BRAUNFELS, TX 78132
METHOD OF DISPOSITION: Burial, Entombment, Other (Specify)
SIGNATURE AND LICENSE NUMBER OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH RACHEL L. AMAYA, BY ELECTRONIC SIGNATURE - 114659
PLACE OF DISPOSITION (Name of cemetery, crematory, other place) BLUEGRASS CEMETERY
LOCATION (City, Town, and State) SEGUIN, TX
NAME OF FUNERAL FACILITY MCCORDY FUNERAL HOME
COMPLETE ADDRESS OF FUNERAL FACILITY (Street and Number, City, State, Zip Code) 105 E. PECAN STREET, LOCKHART, TX 78125
CERTIFIER (Check only one)
27. SIGNATURE OF CERTIFIER MIKE RUST BY ELECTRONIC SIGNATURE
28. DATE CERTIFIED (mm-dd-yyyy) MAY 4, 2023
29. LICENSE NUMBER 99999
30. TIME OF DEATH (Actual or presumed) 10:09 PM
31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code) MIKE RUST 3079 W. SAN ANTONIO ST., NEW BRAUNFELS, TX 78132
32. TITLE OF CERTIFIER JP
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. PENDING
Due to (or as a consequence of)
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.
Due to (or as a consequence of)
c.
Due to (or as a consequence of)
d.
PART 2. ENTER OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN PART 1.
34. WAS AN AUTOPSY PERFORMED? Yes
35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? Yes
36. MANNER OF DEATH: Accidental
37. DID TOBACCO USE CONTRIBUTE TO DEATH? No
38. IF FEMALE: Not pregnant within past year; Not pregnant at time of death; Not pregnant, but pregnant within 42 days of death; Not pregnant, but pregnant 43 days to 1 year before death; Unknown if pregnant within the past year
39. IF TRANSPORTATION INJURY, SPECIFY: Driver/Operator
40a. DATE OF INJURY (mm-dd-yyyy) APRIL 28, 2023
40b. TIME OF INJURY 10:09 PM
40c. INJURY AT WORK? No
40d. PLACE OF INJURY (e.g. Decedent's home, construction site, restaurant, wooded area) RESIDENCE
40e. LOCATION (Street and Number, City, State, Zip Code) 858 RIVERFOREST DRIVE, NEW BRAUNFELS, TX 78132
40f. COUNTY OF INJURY COMAL
41. DESCRIBE HOW INJURY OCCURRED FELL DOWN CLIFFSIDE BEHIND RESIDENCE
42a. REGISTRAR FILE NO. 02000530
42b. DATE RECEIVED BY LOGAL REGISTRAR MAY 5, 2023
42c. REGISTRAR

AMENDMENT TO MEDICAL CERTIFICATION OF CERTIFICATE OF DEATH
STATE OF TEXAS STATE FILE NUMBER 142-23-074700

ENTER NAME OF DECEASED AND PLACE OF DEATH EXACTLY AS SHOWN ON ORIGINAL DEATH CERTIFICATE
NAME OF DECEASED DAVID BOWMAN SHOMETTE
DATE OF DEATH APRIL 28, 2023
PLACE OF DEATH (City or Town and County) PRECINCT 3 COMAL
IS THE DATE OF DEATH BEING CORRECTED? No
28. CERTIFIER (Check only one)
27. SIGNATURE OF CERTIFIER MIKE RUST BY ELECTRONIC SIGNATURE
28. DATE CERTIFIED MAY 11, 2023
29. LICENSE NUMBER 99999
30. TIME OF DEATH (Actual or presumed) 10:09 PM
31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code) MIKE RUST 3079 W. SAN ANTONIO ST., NEW BRAUNFELS, TX 78132
32. TITLE OF CERTIFIER JP
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. BLUNT TRAUMA
Due to (or as a consequence of)
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.
Due to (or as a consequence of)
c.
Due to (or as a consequence of)
d.
PART 2. ENTER OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN PART 1.
34. WAS AN AUTOPSY PERFORMED? Yes
35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? Yes
36. MANNER OF DEATH: Accidental
37. DID TOBACCO CONTRIBUTE TO DEATH? No
38. IF FEMALE: Not pregnant within past year; Not pregnant at time of death; Not pregnant, but pregnant within 42 days of death; Not pregnant, but pregnant 43 days to 1 year before death; Unknown if pregnant within the past year
39. IF TRANSPORTATION INJURY, SPECIFY: Driver/Operator
40a. DATE OF INJURY (mm-dd-yyyy) APRIL 28, 2023
40b. TIME OF INJURY 06:27 PM
40c. INJURY AT WORK? No
40d. PLACE OF INJURY (e.g. Decedent's home, construction site, restaurant, wooded area) CLIFFSIDE
40e. LOCATION (Street and Number, City, State, Zip Code) 858 RIVERFOREST DRIVE, NEW BRAUNFELS, TX 78132
40f. COUNTY OF INJURY COMAL
41. DESCRIBE HOW INJURY OCCURRED FELL DOWN CLIFFSIDE BEHIND RESIDENCE
42a. REGISTRAR FILE NO. 02000530
42b. DATE FILED MAY 11, 2023
42c. STATE REGISTRAR

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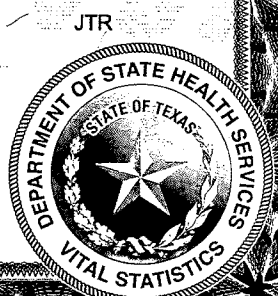


This is a true and correct copy of the record as registered in the State of Texas. Issued under the authority of Section 191.051, Health and Safety Code.

ISSUED MAY 16 2023

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

TARA DAS
STATE REGISTRAR



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE