

5

**FIFTH JUDICIAL DISTRICT COURT  
COUNTY OF EDDY  
STATE OF NEW MEXICO**

2011 FEB 10 PM 4:07  
**COPY**

IN THE MATTER OF THE ANCILLARY )  
PROBATE OF THE LAST WILL AND )  
TESTAMENT OF JOHN GEORGE )  
ROSS, SR., Deceased. )  
)  
)  
)  
)  
)  
)

No.-PB-2011-

53

**J. RICHARD BROWN**

**PETITION FOR DETERMINATION OF HEIRSHIP  
PURSUANT TO A WILL**

**Martin, Dugan & Martin**  
W. T. Martin, Jr.  
509 W. Pierce St.  
P.O. Box 2168  
Carlshad, NM 88221-2168  
(575) 887-3528  
Fax (575) 887-2136  
e-mail: [martinlaw@zinet.com](mailto:martinlaw@zinet.com)

---

COMES NOW WORTH W. ROSS ("Worth") by and through his attorney, W. T. Martin, Jr., of Martin, Dugan & Martin, and for his *Petition for Determination of Heirship Pursuant to a Will* states:

1. This proceeding is brought pursuant to §45-3-108A(4) & (5) N.M.S.A. 1978 **Comp.**
2. The petitioner is the grandson of the decedent. In the State of Texas, the Petitioner is the appointed Successor Independent Executor and is, therefore, an interested person as defined by the laws of New Mexico. The Petitioner's address is 3710 Rawlins Street, Suite 850, Dallas, Texas 75219.
3. **JOHN GEORGE ROSS, SR.** ("John") died on May 28, 1977, at the age of 75 years, a citizen of the United States and residing in Pecos, Reeves County, Texas.
4. Attached hereto and incorporated herein is an authenticated copy of the Will and Order admitting Will in Reeves County, Texas, Probate Court, Estate Cause No. 1958. (See Exhibit "A")
5. At the time of John's death he owned real property in Eddy County, New Mexico.
6. The names and addresses of the heirs, devisees and legatees of the decedent, insofar as known or ascertainable with reasonable diligence, are shown in the authenticated copies of the probate proceeding attached hereto. They are as follows:

Name	Address	Relationship	Age
Worth W. Ross	3710 Rawlins Street, Suite 850 Dallas, Texas 75219	Grandson	Adult
Michelle Ross Meyer	1513 Douglas Colleyville, Texas 76034	Granddaughter	Adult
Jeffrey F. Gilson	140 Springwood Lane Mooresville, NC 28117	Nephew	Adult
Ross A. Gilson	2314 Scarborough Springfield, VA 22153	Nephew	Adult

7. More than three years has passed since John's death. No probate or testacy proceeding has been commenced in New Mexico regarding his estate.
8. Venue for this proceeding is Eddy County, State of New Mexico, because the decedent owned property in Eddy County at the time of his death.
9. Worth brings this action for the purpose of determining heirship and confirming the above named heirs are entitled to their respective interest pursuant to John's Will.
10. Worth requests this Court determine the testacy of the Decedent in relation to his Last Will and Testament executed on November 15, 1974, and also determine the heirs of the Decedent.
11. Worth is entitled to a Final Judgment determining heirship for John and confirming each of the above named heirs interest in the title to John's estate.

WHEREFORE, Worth prays that:

1. Pursuant to **§45-3-108A(4) & (5) N.M.S.A. 1978 Comp.**, John's *Last Will and Testament* be admitted for the purpose of determining heirship and further confirming that each of the above named heirs have an interest in the title to John's estate.
2. This Court grant such other and further relief as it deems just and proper.

**Martin, Dugan & Martin**



By \_\_\_\_\_

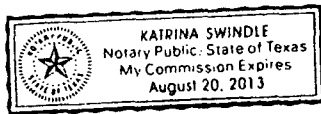
W. T. Martin, Jr.  
509 W. Pierce St.  
P.O. Box 2168  
Carlsbad, NM 88221-2168  
(575) 887-3528  
Fax (575) 887-2136  
e-mail: [martinlaw@zianet.com](mailto:martinlaw@zianet.com)  
Attorney for Petitioner

STATE OF TEXAS                    )  
  :SS.  
COUNTY OF DALLAS                )

Worth W. Ross, upon oath, states all of the representations in the Petition are true as far as Petitioner knows or is informed, and that such Petition is true, accurate and correct to the best of Petitioner's knowledge and belief.

Worth W. Ross  
Worth W. Ross

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of  
May, 2011.



Katrina Swindle  
Notary Public

My commission expires:

Aug 20, 2013