Dallas County, Texas
Probate Cases
1846 – Early 1900's

Case Number 3039

Dallas Genealogical Society
Founded 1955

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#3039

FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

In Re
Estate of
John Loupot deceased

In County Court
Dallas County
A.D. 1904

To the Honorable Judge of said Court.

And Now Come Rosina Loupot the surviving widow of John Loupot and Max Loupot, Emile Loupot and Rosina Sontane surviving children of said John Loupot and — Sontane the husband of said Rosina Sontane and represent to the Court that they are resident citizens of Dallas County Texas — that here before to wit on the day of October 1904 the said John Loupot departed this life in Dallas County Texas leaving surviving him as his heirs at law your Contestants and also Mrs Emma White his only other child and heir at Law, and that at the time of his death he was seized of certain property real and personal situate in the aforesaid County and state.

That there has been filed in this Court an application to probate what is alleged to be the last will and testament of the said John Loupot.

Against the probate of said instrument as the will of said John Loupot these Contestants now and here protest upon the ground aforesaid other that the said

78

John Lampert was of unsound mind at the time he executed said supposed instrument that is his so called will.

Your Contestants pray that proper persons issue in the behalf and that upon a final hearing hereof the aforesaid instrument be not admitted to probate as the will of the said John Lampert and that the same be annulled and held for naught.

Charles F. Albert
For Contestants.

D No 3678

No 3678
In the Estate of
John Lampert
Deceased.

Contest of Will

FILED
OCT 21 1904
R. H. Lee

KNOW ALL MEN BY THESE PRESENTS, that I, John Loupot, of the County of Dallas, and State of Texas, being in good health and of sound and disposing mind and memory, do make and publish this my last will and testament, hereby revoking all wills by me at any time heretofore made.

1.

I direct that all of my just debts and funeral expenses shall first be paid.

2.

After all of my just debts and funeral expenses shall have been paid, I hereby give, bequeathe and devise to my beloved daughter Mrs Ena Wyatt, all the property, both real and personal, which I may own at my death, and which I acquired before my marriage to my wife Rosina Loupot; I also give, bequeathe and devise to my beloved daughter, Mrs Ena Wyatt, all my interest in all the property, both real and personal, that I may own at my death, which has been acquired since my marriage with my wife, Rosina Loupot

3.

I hereby constitute and appoint my friend, Jean B. Adoue, sole executor of this my will.

In witness whereof I have hereunto set my hand this the 26th day of June, A.D. 1903, in the presence of-- A. Coirat and, Lee Richardson, who attest the same at my request.

John Loupot

The above instrument was now here subscribed by John Loupot, the testator, in our presence; and we, at his request, and in his presence, sign our names hereto as attesting witnesses. A. Coirat

Lee Richardson

K 710 3678

Last Will and Testament of John Swoopes

NOTICE OF APPLICATION FOR PROBATE OF WILL AND LETTERS.

THE STATE OF TEXAS.

To all Persons Interested in the Estate of John Loupot **Deceased:**

Jean B Adoue has filed, in the County Court of Dallas County, State of Texas, an application for the Probate of the last Will of said John Loupot deceased, and for Letters Testamentary, which application will be heard and acted upon by said Court, at the next term thereof, to be held at the Court House in the City of Dallas, County of Dallas, State aforesaid, and commencing on the first Monday in Nov A. D. 190 4, at which time and place all persons interested in said Estate shall appear and contest said application should they desire to do so.

WITNESS: ~~A. S. JACKSON,~~ County Clerk of Dallas County, Texas.

Given under my hand and the seal of said Court, at office in the City of Dallas, this 14 day of Oct A. D. 190 4

~~A. S. JACKSON,~~
County Clerk, Dallas County, Texas.

By R H Lee Deputy.

(Original) 200

No. 3678

COUNTY COURT.

ESTATE OF

John Lampok

Deceased.

Notice of Application for Probate of Will and Letters.

Issued this 14 day of Oct 1904

A. S. JACKSON, County Clerk,

By R H Lee Deputy.

SHERIFF'S RETURN.

Came to hand the 14 day of Oct 1904, and executed the 14 day of Oct 1904, by posting up three copies of this Writ at three public places in Dallas County, one of which was at the Court House door of said County, and no two of which were in the same town or city.

J B Johnson

Sheriff, Dallas County, Texas.

By J F Witt Deputy

Posting 3 Notices $3.00

CITATION—LOCAL

The Dorsey Company, Stationers, Dallas, Texas—52097

THE STATE OF TEXAS

To the Sheriff or any Constable of Dallas County—GREETING:

YOU ARE HEREBY COMMANDED To summon

Max Loupot, Emile Loupot, Mrs. Rosa Santerre, John E. Loupot, Katherine Loupot and Cedar Loupot

to appear before the County Court of Dallas County ~~[illegible]~~, Texas, at the next regular term thereof, to be held in the Court House in the City of Dallas on the first Monday in January, 1920, then and there to answer to the petition of

Mrs. Emma Bradshaw, joined by her husband, Q. B. Bradshaw,

filed in said Court on the 23rd day of Dec., 1919, ~~[illegible]~~ in the matter of the estate of John Loupot, Deceased, No. 3678 on the Probate Docket of said Court,

~~[illegible]~~ the nature of which demand is as follows, to-wit:

An application to have order of March 23rd, 1905, refusing the probate of the Will of said John Loupot, deceased, set aside, and praying that said Will be admitted to probate.

And you will deliver to the said Max Loupot, Emile Loupot, Mrs. Rosa Santerre, John E. Loupot, Katherine Loupot, and Cedar Loupot, each in person,

a true copy of this Citation.

HEREIN FAIL NOT. But have you then and there this writ, showing how you have executed the same.

WITNESS: ~~D. P. GULLEM~~ W. S. Skiles, Clerk of the County Court of Dallas County ~~[illegible]~~ Texas.

GIVEN Under my hand and seal of office, at Dallas, this 24th day of Dec., 1919.

By Iles Patrick Deputy.

W. S. Skiles,
~~D. P. GULLEM~~
Clerk County Court, Dallas County ~~[illegible]~~ Texas.

SHERIFF'S RETURN.

CAME TO HAND On the 24 day of December 1919 at 4 o'clock P M., and executed on the 24th day of December 1919, at 6 o'clock P. M., by delivering to Max Loupot, Mrs. Rosa Santerre, John E. Lupot, Katherine Lupot and Cedar Lupot, the within named defendants, each in person a true copy of this writ ; and further executed same on the 26th day of December A.D.1919, by delivering to Emil Loupot

the within named defendant in person, a true copy of this writ.

Dan Harston
Sheriff Dallas County.

By H. O. Wood Deputy.

FEES:

Serving Copy	6	$ 4.50
Mileage	20	$ 1.00
Total		$ 5.50

(Original)

No. 24713

CITATION

County Court of Dallas County
~~At Law~~
~~Probate~~, Texas.

Estate of

John Loupot,

~~DECEASED.~~

ISSUED

This 24th day of Dec., 1919.
W. S. Giles,
~~W. F. Cochran~~, Clerk,

By Nell Black Deputy.

Atty for Plaintiff

The Denny Company, Stationers, Dallas, Texas—42092-13-14
Publishers Legal Blanks

In Re Estate Of John Loupot.

County Court
Dallas, County.

Be it remembered that on this 28th day of March 1905 the above entitled cause coming on to be heard in the matter of the probate and contest of the probate of the Will of John Loupot, deceased, and after hearing evidence and argument adopts th the following as agreed upon by the parties to this litigation, viz:-

"Whereas John Loupot died in Dallas County on the 7th day of October A.D. 1904 leaving surviving him a widow and five children, and an estate, and;

Whereas the said John Loupot, did before his death excute a will under the provisions of which his estate was devised to one of his children, to wit, Mrs. Emma Wyatt, and;

Whereas it has been agreed by and between the said Mrs. Emma Wyatt, joined by her husband, on one side, and Mrs. Rosina Loupot for herself and other four children onthe other side that said Will should be annulled and be held for naught upon the following terms, that the said Mrs. Emma Wyatt should in consideration of the annullment and destruction of said Will receive from her mother Mrs. John Loupot, the sum of eight hundred dollars($800) in cash and that the said Mrs. John Loupot also should assume and pay all debts except the lumber note and land note due for the material in and on the lot now occupied by Mrs. Emma Wyatt and which was deeded to her by her father, said John Loupot, before his death.

Now therfore, We, Mrs. Emma Wyatt, joined by her husband, Jack Wyatt, for and in consideration of the sum of $800 cash in hand paid her the receipt of which is hereby acknowledged, and the assumption of all the indebtedness of the said John Loupot by his widow, Mrs. John Loupot, except the

~~except the~~ lumber note due J. T. Elliot Lumber Company and balance due in lot upon ~~which we now live, we do hereby agree~~ to and do release all claim under the aforesaid Will of John Loupot and agree to and do hereby accept in lieu of any interest which we may have under saidWill, the aforesaid $ 800 and release from payment of the aforesaid indebtedness and further agree for said consideration aforesaid that said Will maybe and the same is hereby annulled and that the judgment of the County Court of Dallas County in which a proceeding for the probate and the contest thereof is pending shall be that the said Will is void and of no force or effect and that it be denied probate and any force or effect.

It is the purpose of this agreement that I, the said Emma Wyatt, shall receive the foregoing consideration without prejudice to my rights as one of the children and heirs of my deceased father, it being understood that I am to receive independant of the foregoing consideration the same inheritable interest in my said father's estate that his other children receive.

The purposes of this agreement so far as I, the said Mrs. Emma Wyatt, are concerned being to annul the aforesaid Will and vest it in my mother for her life any and all interest I may have in my deceased father's estate and to receive at my mother's death a child's part of my said father's estate as it may exist at said time. This agreement in no wise effects any inheritable interest in my mothers estate at her death.

And on the part of the said Mrs. John Loupot it is agreed to adopt and accept the above agreement of her said daughter, Emma Wyatt, and to pay and has paid said $ 800.00 and assumed the payment of all the indebtedness of the said John Loupot, except aforesaid Lumber bill and balance of the purchase money due on said lot.

Witness our hands this 18th, day of March A.D. 1905.

Rosina Loupot
Emma Wyatt,
J. Wyatt.

[illegible] was duly [illegible] and acknowledged according to law.

And that said instrument was by the parties duly and legally acknowledged according to law.

And said instrument aforesaid is adopted as the basis of the finding of this Court to wit that the paper filed in this Court for probate as the last Will and testament of John Loupot, deceased is not entitled to probate as his Will and that the same is null and void and refused probate.

It is therefore ordered, adjudged and decreed, that said paper purporting to be the Will of the said John Loupot, deceased, is not his Will, is null and void, and held for naught and denied probate as his Will and judgment is accordingly rendered in favor of the contestants with costs of suit for which let execution issue and also let execution issue in behalf of the officers of this court for all costs in this behalf expended.

against contestants

William F. Linsley
Co Judge
Dallas Co Texas

Approved.
Charles F. Clint
atty for Mrs John Loupot Estate

Jerry Richardson & Son
attys for Jack Wyatt and
Mrs Emma Wyatt

#3678

In Re Estate of
John Lowrey
Dec'd

Judgment

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170

The Estate of John Loupot, Decs'd.	In the Probate Court of the County of Dallas at Dallas Texas .

To the Honorable Court aforesaid:-

And now comes the contestants of the last will and testament of John Loupot, deceased, and say that pending a disposition of the will contest here in there is absolutely no necessity of an administration upon the estate of John Loupot deceased, but if there is then the surviving widow of the said John Loupot is in law and in this particular case, in fact the most suitable person to be appointed as administratrix, she having for a long period of years, before the death of her late husband, because of his incapacity, managed and controled his their common property. They, therefore pary that if any appointment is made that Mrs. Rosina Loupot be appointed administratrix etc.

But they further say that until the contest over the supposed will of the said John Loupot is settled that as amatter of law and fact no power and no necessity for the appointment exists, but on the contrary an administratoin at this juncture would merely entail upon whatever estate the said John Loupot may have left at his death, and necessarily an illegal cost.

Therefore contestants pray that no action be taken to appoint an Administrator of such estate, but, if any is appointed that it be Mrs. Rosina Loupot, the widow of the late John Loupot.

Chas. F. Clint
Atty for Contestant

No. 3678

In The Probate Court of

Dallas County.

In Re. The Estate of :-
John Loupot, Dec'd.

Contestant's Answer contesting the appointment of an Administrator pendente lite.

FILED
JAN 7 1906
FRANK P. SMITH, Co. Clerk
By [illegible] Deputy.

Chas. F. Clint,
Att'y. for Contestants.

378

In the Estate of John Loupot, Deceased.

State of Texas
County of Dallas

To the Honorable County Court in and for said County:

Your petitioner, Jean B. Adoue, shows to the Court that he resides in Dallas County, said state.

That John Loupot is dead. That he died on 7th day of October A.D.1904, at Dallas, Texas in the County of Dallas in the State of Texas That at and before his death the said John Loupot had his domicile in the County of Dallas aforesaid. ~~That at~~

That at the time of his death the said John Loupot was siezed and possessed of real and personal property of the probable value of $4000.00, and left a written will duly executed and herewith filed, in which your petitioner was appointed Executor.

That there is a necessity for an administration upon the estate of said John Loupot, who at the time of his death was indebted to Dr. E.J. Reeves and other persons in different sums of money, the exact amount of which is unknown to petitioner.

That your petitioners is not dis-qualified by law from accepting letters testamentary.

Therefore your petitioner prays that citation be issued to all parties interested in said estate as required by law, that said will be admitted to probate, that letters testamentary be issued to your petitioner and that such other and further orders be made as to the Court may seem proper.

Robt. B. Seay
Richardson & Seay
Attys for Petitioner

No. 3678

In the matter of the estate of John Sowpot deceased.

Application to probate will

FILED
OCT 14 1904
FRANK S. [illegible]
R H Lee