

CAUSE NO. 21515

IN THE ESTATE OF	§	IN THE DISTRICT COURT
KERSTIN DETENBECK,	§	33RD JUDICIAL DISTRICT
DECEASED	§	LLANO COUNTY, TEXAS

**FIRST AMENDED ORIGINAL PETITION CONTESTING WILL AND ALTERNATIVE
APPLICATION TO ADMIT WILL TO PROBATE AND FOR LETTERS
TESTAMENTARY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Susan Hostetter (“Contestant”) and files this, her First Amended Original Petition Contesting Will and Request for Disclosures complaining of Donald J. Beeman, and for cause of action would respectfully show the Court as follows:

I.
DISCOVERY PLAN

1. Contestant intends that discovery be conducted under Level 3 and affirmatively pleads that this suit is not governed by the expedited actions process in TRCP 169 because Contestant pleads that it seeks monetary relief aggregating over \$100,000.00.

II.
THE DECEDENT

2. KERSTIN DETENBECK, (“Decedent”) died testate, on July 17, 2020, in Llano County, Texas. The Decedent was domiciled in and had a fixed place of residence in Llano County, Texas.

III.
THE CONTESTANT

3. SUSAN HOSTETTER, (“Contestant”) presently resides at 8993 S. Alpen Way, Salt Lake City, UT 84121. Contestant is Decedent’s step-daughter; the daughter of Lee Detenbeck, who was the husband of Decedent, and was married to Decedent at the time he died on February 13, 2020, and

NO. 07941

IN THE MATTER OF	§	IN THE COUNTY COURT
	§	
THE ESTATE OF	§	OF
	§	
KERSTIN DETENBECK,	§	LLANO COUNTY, TEXAS
	§	
Deceased.	§	

APPLICATION FOR PROBATE OF WILL
AND ISSUANCE OF LETTERS TESTAMENTARY

TO THE HONORABLE JUDGE OF SAID COURT:

DONALD J. BEEMAN (TXDL#375, SS#019) (“Applicant”) furnishes the following information to the Court for the probate of the written Will of KERSTIN DETENBECK (TXDL#862, SS#521), also known as KERSTIN RÖHR DETENBECK, Deceased, (“Decedent”), and for issuance of Letters Testamentary:

1. **DONALD J. BEEMAN is the former neighbor of Decedent and an individual interested in this Estate, domiciled in and residing at 220 La Serena Loop, Horseshoe Bay, TX 78657.**

2. Decedent died on July 17, 2020, in Horseshoe Bay, Llano County, Texas at the age of eighty-four (84) years.

3. This Court has jurisdiction and venue because Decedent owned property in Llano County, Texas on the date of death.

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Llano County County Clerk, TX
By: Marcie Hadelers**

4. Decedent owned real and personal property described generally as a house, vehicles, cash, household goods and personal effects of a probable value in excess of \$350,000.

5. Decedent left a valid written will (“Will”), dated March 6, 2020, which was never revoked and is filed herewith.

6. The subscribing witnesses to the Will were Abbie Gray and Dawna Poe.

7. The Will was made self-proved in the manner prescribed by law.

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

9. After the date of the Will, no marriage of Decedent was ever dissolved.

10. A necessity exists for the administration of this estate.

11. The Will did not name the State of Texas, a governmental agency of the State of Texas or a charitable organization as a direct devisee.

12. The Will named DONALD J. BEEMAN as Independent Executor, to serve without bond or other security in which capacity Applicant would not be disqualified by law from serving or from accepting Letters Testamentary, and Applicant would be entitled to such Letters.

WHEREFORE, Applicant prays that citation be issued, as required by law, to all persons interested in this estate; that the Will be admitted to probate; that Letters Testamentary be issued to DONALD J. BEEMAN; and that all other orders be entered as the Court may deem proper.

Respectfully submitted,

Catherine G. McCartney

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is a person interested in the Estate. Contestant has standing because she is a beneficiary and named executor in the will Contestant requests the Court probate herein as opposed to the will Respondent requests the Court to admit to probate.

IV.
RESPONDENTS, VENUE AND JURISDICTION

4. Respondent Donald J. Beeman is an individual residing in the State of Texas and may be served at his residence at 220 La Serena Loop, Horseshoe Bay, Texas 78657 or wherever they may be found. Contestant requests issuance of citation to Donald J. Beeman at this time.

5. This Court has jurisdiction under Texas Estates Code 32.001 (a) and venue under Texas Estates Code 33.001 (a) (1) because Decedent was domiciled and had a fixed place of residence and her principal Estate was in Llano County on the date of her death.

6. The Plaintiff has exhausted all available remedies prior to bringing this suit and all conditions precedent have been done or have occurred as required by TRCP 54.

V.
BACKGROUND FACTS

7. The Decedent was married to Lee Detenbeck, who predeceased her on February 13, 2020. Decedent has no children born to her.

8. The will (the "Purported Will") was executed on March 6, 2020 and was obtained at a time when the Decedent was weak and infirm and was under the control of others.

9. The Decedent died on July 17, 2020.

10. On July 22, 2020, Respondent initiated this cause by filing his Application for Probate of Will and Issuance of Letters Testamentary ("Respondent's Application"). The Respondent's Application requests the court to probate a purported will dated March 6, 2020 (the "Purported Will").

11. However, the Purported Will was signed and executed at a time when she was unduly influenced by her nephew Mats Rohr. Not long after the death of Lee Detenbeck, at a time when Decedent was of weak and infirm, Mats Rohr, the Decedent's nephew, travelled from his home in Sweden, gained influence over Decedent, took her to an attorney and as a result of his undue influence, Decedent executed the Purported Will in place of her true will (which Contestant seeks to admit to probate herein). In connection with same, Mats Rohr prevented Contestant from contacting Decedent and prevented Decedent from contacting Contestant, who under Decedents then in place Last Will and Testament dated April 2, 1998 (the "Last Will") and amended in part by a 2019 Codicil dated July 17, 2019 (the "2019 Codicil" together with the Last Will, the "Will") should be independent executor and principle beneficiary.

12. The Purported Will is invalid.

VI. **WILL CONTEST**

13. Contestant alleges that the Purported Will should be set aside because it was executed without testamentary intent.

14. Contestant alleges that the Purported Will be set aside because Decedent was unduly influenced to sign the Purported Will by the compulsion and arguments of others, including Mats Rohr.

15. Such efforts to obtain the Purported Will were of such strength as to overcome the Decedent's desires and her free agency to make the Purported Will, due to her inability to resist Mats Rohr through fear, confusion and because of her desire for peace. Further, such efforts and confusion were compounded by false statements regarding Contestant made by, upon information and belief, Catherine McCartney, Mats Rohr and/or other third parties at or around the time the Purported Will was executed.

VII.
ATTORNEYS' FEES

16. Contestant hired Naman Howell Smith & Lee, PLLC to represent her in this matter and to contest the Purported Will. Contestant and her attorneys have acted in good faith with just cause and are entitled to attorneys' fees under Texas Estates Code 352.052. Contestant requests that her reasonable attorneys' fees be paid by the Estate.

VIII.
APPLICATION TO PROBATE ALTERNATIVE WILL AND FOR ISSUANCE OF LETTERS TESTAMENTARY

Susan Hostetter (DL #852; SS#712), ("Applicant/Contestant") furnishes the following information to the Court for the probate of the written Will of Kerstin Detenbeck ("Decedent") (DL #862; SS#521) and for issuance of Letters Testamentary to Applicant:

1. Applicant/Contestant Susan Hostetter is an individual interested in this Estate, domiciled in and residing at 8993 S Alpen Way, Salt Lake City, Utah 84121.
2. Decedent died on July 17, 2020 in Horseshoe Bay, Llano County, Texas, at the age of eighty-four (84) years.
3. This Court has jurisdiction and venue because Decedent was domiciled and had a fixed place of residence in Llano County on the date of death.
4. Decedent owned real and personal property described generally as a house, cash, securities, household goods and personal effects in excess of \$500,000.
5. Decedent left a valid written Last Will and Testament dated April 2, 1998 (the "Last Will") and amended in part by a 2019 Codicil dated July 17, 2019 (the "2019 Codicil" together with the Last Will, the "Will"). The Will was never revoked and is filed herewith.
6. The names of the subscribing witnesses to the Last Will are: Sharon Joy Frear and Jacah A. William. The names of the subscribing witnesses to the 2019 Codicil are: Dawna Poe and Abbie Gray. The Will was made self-proved in the manner prescribed by law.

7. After the date of the Will, no children were born to or adopted by Decedent.
8. After the date of the Will no marriage of Decedent was dissolved.
9. A necessity exists for the administration of this estate.
10. Decedent's Will named Lee C. Detenbeck to serve as Independent representative of her estate. If he cannot or will not serve, Decedent named Susan Hostetter to serve as Independent Executor of her estate. The Will directs the representatives to serve without bond or other security as representatives, defined in the Decedent's Will as Independent Executors, and Applicant/Contestant represents that such Applicant/Contestant would not be disqualified by law from serving as such or from accepting Letters Testamentary, and such Applicant/Contestant would be entitled to such Letters.
11. Decedent's Will did not name either the State of Texas, a governmental agency of the State of Texas, or a charitable organization as a devisee.

Applicant/Contestant 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 Susan Hostetter; and that all other orders be entered as the Court may deem proper.

VIII.
REQUEST FOR DISCLOSURE

17. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Respondent Donald J. Beeman is requested to disclose, within fifty days of this request, the information or material described in Rule 194.2.


IX.
PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Contestant request that the Respondent be cited to appear herein and that Contestant be awarded judgment for her actual damages, prejudgment and post-judgment interest, attorneys' fees, costs of court, and all other relief to which he may be entitled.

Respectfully submitted,

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BY: _____


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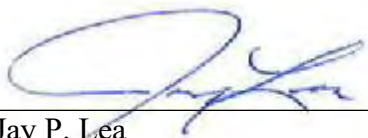
ATTORNEY FOR SUSAN HOSTETTER

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been sent on the 29th day of April, 2022, to the following:

Via E-Service

Neal A. Kennedy
State Bar No. 11295100
KENNEDY LAW OFFICE PLLC
404 Main Street
Marble Falls, Texas 78654
COUNSEL FOR APPLICANT



Jay P. Lea