FILED
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JOHN F. WARREN
COUNTY CLERK
DALLAS COUNTY

CAUSE NO. PR-10-1517-3

IN RE: ESTATE OF	§	**IN THE PROBATE COURT**
	§	
MAX D. HOPPER ☐ ORIGINAL	§	**NO. 3**
	§	
DECEASED	§	**DALLAS COUNTY, TEXAS**

ORIGINAL ANSWER TO INDEPENDENT ADMINISTRATOR'S PETITION REQUESTING INSTRUCTION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, LAURA S. WASSMER and STEPHEN B. HOPPER, the heirs (hereinafter "the heirs") and file this, their Original Answer to Independent Administrator's Petition Requesting Instruction and in support of such answer would respectfully show as follows:

1. The heirs deny, each and every, all and singular, the material allegations contained in the petition and demand strict proof thereof by a preponderance of the evidence.

2. For further answer if need be, the heirs plead the affirmative defense of estoppel. In this regard, the heirs would show that the bank has previously issued divided interests in the estate and during those distributions never brought it to the heirs attention that the administrator might later choose to divide Robledo, wine and putters in *undivided* interests. Had the heirs known of the administrator's plan, they would never have agreed and would have moved more quickly to protect their rights.

3. For further answer if need be, the heirs further allege that the bank is estopped for the reason that the administrator failed to fully disclose, as a fiduciary is bound to do, the "conundrum" that the administrator now claims. While the heirs deny that the administrator had the authority or right to distribute undivided interests, to the extent that it does, and the