

THE STATE OF TEXAS

To any Sheriff or any Constable within the State of Texas-----GREETING:

YOU ARE HEREBY COMMANDED to cause to be published, ONCE, not less than ten days before the return day thereof, exclusive of the date of publication, in a newspaper of general circulation printed and/or published in McLennan County, Texas, the accompanying citation, of which the herein below is a true copy.

CITATION BY PUBLICATION

THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE of KENNETH A. GITTENS, deceased; TO ANY UNKNOWN HEIRS of KENNETH A. GITTENS, deceased; TO ANY NON-RESIDENT HEIRS of KENNETH A. GITTENS, deceased; and TO ANY HEIRS of KENNETH A. GITTENS, deceased, WITHOUT THE STATE OF TEXAS.

No. 20210102PR1 County Court of McLennan County, Texas

On the 24th day of February, 2021, Marceline Patricia McCollin Gittens, Applicant, filed an Application for Determination of Heirship stating that: Decedent's name is Kenneth A. Gittens. Decedent died on October 19, 1999 in Waco, McLennan County, Texas. The Court has jurisdiction and venue because Decedent was domiciled and had a fixed place of residence in this county on the date of death at 2224 Colcord, Waco, McLennan County, Texas. Applicant claims to be an owner of Decedent's Estate. The names and residences of all of Decedent's heirs, the relationship of each heir to Decedent, and the true interest of the Applicant and of each of the heirs in the Estate of Decedent are as follows: Marceline Patricia McCollin Gittens, c/o Silver Hill Christ Church, Barbados, Wife, True Interest: $\frac{1}{2}$; Adrian Gittens, c/o Silver Hill Christ Church, Barbados, Son, True Interest: $\frac{1}{4}$; Carol Ann Gittens, c/o Silver Hill Christ Church, Barbados, Daughter, True Interest: $\frac{1}{4}$. No other children were born to or adopted by Decedent. Each of the Decedent's marriages are as follows: Name: Marceline Patricia McCollin Gittens, Date of Marriage: April 25, 1970, Place of Marriage: Barbados, Date of Divorce: None, Children of the Marriage: Adrian Gittens and Carol Ann Gittens. To the best of knowledge, Decedent died intestate. On or about July 16, 2008, a Judgment of Court in Absence of Objection was filed in Hill County, Texas under Cause No. 46307, The State of Texas vs. Kenneth A. Gittens, and wife, Irish Ann Gittens, et al concluding a Condemnation Case, which Judgment awarded money to be deposited into the registry of the Hill County Court. Despite the style of the case, the Defendants were not legally married as Kenneth G. Gittens was married to Marceline Patricia McCollin Gittens. An Attorney ad Litem was appointed to represent any unknown heirs, but no Determination of Heirship Judgment was entered. On or about August 4, 2011, the condemnation funds of \$18,148.24 were transferred to the McLennan County Case No. 2010-2742-5, styled Louise A. Nixon vs. Oticia Bryant, et al. By this time both Kenneth A. Gittens and Irish Rose Gittens were deceased. The McLennan County Case No. 2010-2742-5 was filed by Louise A. Nixon, a sister of and an heir of the Estate of Irish

Rose Gittens that pertained to issues not directly related to the funds. In this case, a Receiver, Steven Burton, was appointed to search an additional monies owed to either Decedent. The Receiver found retirement benefit funds owed to Irish Rose Gittens. The total amount deposited in the Registry for the benefit of Irish Rose Gittens is \$11,843.29. No probate proceeds were initiated on either Decedent. The issues raised in the lawsuit have now been resolved. These funds have been held in the 414th Court's Registry for approximately four (4) years. No claim has been made for the funds and sufficient time has passed to make a claim. The funds are the residuary of the corpus of the two estates should be distributed to the Decedent's rightful heirs. The heirs of the Decedent were assumed but not adjudged in the Hill County proceeding or in the later McLennan County proceeding, which is still pending due to the funds being held. In the pending District Court proceeding, the Judge of the 414th declined to determine heirship. At the time of Kenneth A. Gittens death, Irish Rose Gittens individually owned one-half of the real estate property proceeds and all of the retirement funds; and, Kenneth A. Gittens estate owned a one-half (1/2) interest in the real property proceeds. Kenneth A. Gittens predeceased Irish Rose Gittens. The Application does not omit any information required by Estates Code, Section 202.005, et seq.

Applicant prays that citation issue as required by law; that an attorney ad litem be appointed to represent Decedent's living heirs whose names and whereabouts are unknown; that upon hearing hereof, this Court determine who are the heirs and only heirs of Decedent and their respective shares and interests in this Estate; and that the 414th District Court distribute the funds pursuant to their respective interests.

Said Application will be heard and acted on by said Court at 10:00 a.m. on the first Monday next after the expiration of ten days from date of publishing this citation, the same being the 03/29/2021 at the Courthouse thereof in Waco, McLennan County, Texas, at which time and place all persons interested in this Application to Determine Heirship, are hereby cited and required to appear by filing a written answer and contest to said application.

THE OFFICER EXECUTING THIS WRIT SHALL PROMPTLY SERVE AND MAKE DUE RETURN.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT at the office in Waco, McLennan County, Texas, this the 25th day of February, 2021.

J. A. "ANDY" HARWELL
Clerk of the County Court
McLennan County, Texas
(SEAL)