

Revision date 9/1/2023

TRAVIS COUNTY PROBATE COURT NO. 1

200 W. 8th Street – P.O. Box 1748



Uncontested Docket Heirship Setting Request Form for (1) Hearing to Determine Heirship (with or without administration) or (2) Hearing to appoint Dependent Administrator (and to set later hearing for Determination of Heirship)

To set a hearing, fill out this form and email to probateone.heirships@traviscountytx.gov. It may take up to a week for the Court to check the file and get back to you. *No heirship hearing will be set until **all** boxes have been checked or marked as not applicable. If you want a hearing to appoint a dependent administrator with a later heirship determination, not all boxes need to be checked, but tell us this is what you are requesting.*

Today's date: _____ Estate of: _____

Cause No.: C-1-PB-_____ - _____ Ad Litem's name: _____

Email address where the Court can reach you: _____

*If, after review, the Court determines the case is ready to be set, we will contact you with the next available hearing dates and times. **Note that no hearing has been set until the Court contacts you with a confirmed date and time; please don't give witnesses an expected hearing date until after you've heard from the Court.***

I have completed service on or filed waivers from all non-applicant heirs and have filed the required affidavit or certificate:

(Remember that a surviving spouse is not the sole heir unless Decedent was an only child and an orphan)

- Waiver in lieu of citation: I have filed a waiver of citation from all non-applicant heirs that are not being served
- Personal service: I have verified that the Sheriff/Constable has filed the officer's return of citation for all non-applicant heirs that were personally served
- For applications filed before 9/1/23 - For all non-applicant heirs aged 12-17: I have verified that the Sheriff/Constable has filed the return of citation for all non-applicant heirs aged 12-17 **OR** I certify the minor(s) will be present at the hearing
- For Applications filed before 9/1/23 - for all non-applicant heirs under the age of 12: I have filed waiver(s) of citation from the minors' parent or guardian, **OR**
For Applications filed after 9/1/23, for all non-applicant heirs under the age of 16: I have filed waiver(s) of citation from the minors' parent or guardian
- I have filed the affidavit or certificate required by Estates Code § 202.057. (Always required, whatever service needed)
- I have filed the publisher's affidavit for citation by publication in a newspaper. (Required unless CP&RC §17.032 applies)
- If my applicant is seeking independent administration without bond, I have filed an express consent from all non-applicant heirs agreeing to the appointment of an independent administrator without bond (and from the applicant unless expressly included in the application)
- I have verified that the Attorney ad Litem (1) has filed or is ready to file a report **and** (2) is ready to proceed with a hearing

I verify that this case **does not involve** any issues that would require it to be heard on the Court's regular docket, including – but not limited to – the following. **Please verify every statement:**

- This case does not involve an informal or common-law marriage
- This case does not involve either a declaratory judgment or a settlement agreement
- This case does not require evidence/testimony proffered by an expert such as an investigator and/or DNA evidence
- No contest (or answer that could be construed as a contest) has been filed
- Check one: This case does not involve an adoption **OR**
 This case involves an adoption, but it is a formal (not equitable) adoption, and no one questions the adoption
- Check one: Decedent had no will **OR**
 Decedent had a will or a copy of a will, and that will is being offered for probate
- I will email proposed hearing documents to the Court in editable format right after the hearing date is confirmed
- (if applicable) I need an interpreter and will arrange for a licensed court interpreter at the hearing

Certification of Applicant's Attorney: *By my signature below, I certify to the Court and its staff that, before submitting this request, I completed all of the checked items as indicated above, and I verified all of the checked items as indicated above.*

Applicant's Attorney (Printed Name)

Applicant's Attorney (Signature)

State Bar No. _____