

Revision date: 9/1/2023

TRAVIS COUNTY PROBATE COURT NO. 1

200 W. 8th Street – P.O. Box 1748



Heirship Setting Request Form - REGULAR DOCKET (Not the Uncontested Heirship Docket)

Use for: (1) Hearing for Determination of 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.staffattorney@traviscountytexas.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: _____

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
- If there is a copy of a Will that is not being offered for probate, I filed the Will copy and have also completed service on or received appropriate waivers from all Will devisees so they have an opportunity to rebut the presumption of revocation
- 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 involves the following issue(s) that make it appropriate for setting on the Court's regular docket:

- This case involves an informal or common-law marriage
- This case involves (1) a formal adoption about which there is a question or (2) an equitable adoption
- This case involves a declaratory judgment, a settlement agreement, or both
- This case involves DNA evidence and/or expert evidence/testimony (e.g., from a private investigator)
- A contest (or an answer that could be construed as a contest) has been filed
- Decedent had a Will or a copy of a Will, and that Will is not being offered for probate. (File Will, etc. See above.)
- Other: _____
- 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. _____