

HELP US, HELP YOU WAYS TO HELP EXPEDITE AUDITS

*The following information is intended for the Travis County Probate Courts
and does not replace any other county(s) rules or procedures.*

Getting in Touch with the Travis County Probate Audit Dept. Preferred Email: probate.auditors@traviscountytexas.gov



Audit Team



Email



Phone

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Best Procedures When Emailing the Court

- When sending emails to the Probate Auditor's department:
 - Please send all correspondence to probate.auditors@traviscountytexas.gov
 - Only upon the Probate Auditor's request, CC or directly send communication to personal emails
 - The subject line should always include:
 - Case Number
 - Case Style
 - Reason (if necessary)
- When responding to the Probate Auditor's emails:
 - Please use the original email (continued email chain) and ensure that both the attorney and paralegal are recipients.
 - Respond as soon as possible. If the Probate Auditors experience delays in receiving responses or information requested, they will need to proceed to the next Accounting, Reimbursement, or court-assigned task.
- Contact information should be in every email or response and include names, addresses, and phone numbers. If the email or response is from the court's staff, include both the Probate Audit Staff and the Probate Court's Staff Attorney.

- Concerning attorney's clients:
 - Please set realistic expectations with your clients
 - The Probate Auditors solely communicate with the attorneys and their staff.
 - Clients should not be included in emailed communication with the Probate Auditors.
 - Please advise the clients not to reach out to the court.

Best Procedures & Recommendations for Submissions

- **General Practice**
 - Please review documents and orders for accuracy and signatures before E-filing
 - Please remember to E-file proposed orders
 - When filing backup documentation, please provide a copy of the signed order or provide a reference date that corresponds with the backup documentation.
- **Annual & Final Accountings**

NOTE: The Final Accounting audit may be waived; if all heirs sign waivers. (You may contact the Probate Auditor's department for a sample waiver that has been approved by the court).

 - Accountings should be filed by the qualification date or within 60 days from the qualification date.
 - All Annual and Final Accountings require both a hard and electronic copy. (*Change in procedure from the prior Annual Accountings Auditor*).
 - All Accountings and Reimbursements require unredacted electronic and hard copies with supporting documents. Please deliver a hard copy to the courthouse. It's preferred that both are received the same day.
 - Please do not file a Final or Annual Accounting if the previous Accounting has not been approved (unless instructed by the court to do so.)
 - If the previous Accounting has not been approved, reach out to the court to find out what is needed to obtain approval.
 - Dependent Administrations should be completed within 3 years of the qualification date,
 - Ex:
 - 1st Annual Accounting
 - 2nd Annual Accounting
 - Final Accounting*

*If you are unable to file a Final Accounting, a Motion to Extend the Administration past 3 years is required. This motion requires the Judge's approval, so be prepared to provide a detailed explanation including the reasons for the extension, the proposed solutions, and an estimated completion date.

- **Commissions Requests**

- Commission requests on Annual and Final Accountings should include a schedule or exhibit of the items included in the calculations. Please leave the amount blank for the court to enter the approved Commission
- No Commissions on:
 - Social Security Income, Refunds, or Fund Transfers
 - Sale of Property when a realtor is paid Commission
 - Disbursements to heirs
 - Commission on Commissions
- Unreasonably low requests on Commission(s) should be explained and requested in the Accountings. *A request does not guarantee approval.*

Example of the Probate Court's preferred order language:

The Court finds that the statutory fee in this matter, \$ _____, is unreasonably low when considering the services provided and, therefore, approves the payment of an addition amount of \$ _____, for a total commission of \$ _____, which the Court finds to be reasonable under the circumstances.

- **Submission of Amended Motions:**

- Please do not file Amended or Supplemental Accountings/Reimbursements unless instructed by the court. Please reach out as this may be corrected within the Order.
 - If these are filed, you will be expected to submit an entire new set of supporting documents to the court.

About the Auditor's Review Process

- Accountings and Reimbursements are reviewed in the order that all completed backup documents are received. Delays in the delivery of the documents can have an impact on completion and renewal of letters.
- There is a 60-day window for the Probate Auditor to review Accountings, starting from the date all documents have been received.
 - Repeated requests for additional documents delay and/or restarts the time clock.
 - If the Accounting has not been approved after 90 days, please contact the Probate Audit staff and request an update.
 - You can always contact the Probate Audit staff before the 90 days have passed if there is an emergency that requires letters immediately.

Attorney's Fees, Keep in Mind...

- Attorney Fee applications should be in a separate pleading as they are reviewed by a Judge.
- Please refer to the Texas Estates Code, Rules of Civil Procedures for statute limitations on Reimbursements and Attorney Fee requests.
- The court can only reimburse the amount of the Attorney Fees that have been approved by the court.
- Estates that have children will have Ad Litem. Final Accountings with minors will require the Ad Litem's review and signoff.

Friendly Reminders

- For the status of Orders filed, please check the court's website or contact the County Clerk's office first.
 - Odyssey Portal: <https://odysseyweb.traviscountytexas.gov/Portal>
 - County Clerk Probate Division: 512-854-5958
- The court's staff does not complete research on outstanding cases and/or problematic matters. Please note that Probate Auditors are not attorneys and cannot give legal advice. Attorneys should consult other attorneys or hire a specialist in Accountings for legal questions.
- Unless directed by a Judge, Staff Attorney of the Probate Court, or a Probate Auditor; please do not set hearings or status conferences on Accountings and Reimbursements. Additionally, refrain from including requests for these hearings in other pleadings filed with the court.
- The court will soon resume scheduling Compliance Dockets for missing or late Inventories and Accountings. Cases that are stagnant or problematic will be placed on Problem Accounting or Show Cause Dockets.