

Revision date: 5/20/2016



TRAVIS COUNTY PROBATE COURT NO. 1

1000 Guadalupe Street, Travis County Courthouse, Room 217

Regular Docket Heirship Setting Request Form (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 heirships@traviscountytexas.gov (preferred) or fax to 512-854-4418. It may take 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 for appointment of a dependent administrator with a later heirship determination, not all boxes need to be checked, but tell us this is what you are requesting.*

Date: _____ Estate of: _____

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

Email address where the Court can reach you: _____

Applicant's Attorney: My signature below indicates my certification to the Court and its staff that, before submitting this request, I completed all of the checked items as indicated below and verified all of the checked items as indicated below:

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 all non-applicant heirs aged 12 to 17: I have verified that the Sheriff/Constable has filed the officer's return of citation for all non-applicant heirs aged 12 to 17 / OR I certify that the minor(s) will be present at the hearing.
- For all non-applicant heirs under the age of 12: 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.)
- Citation by Publication: I have filed the publisher's affidavit. (Always required.)
- 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 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 an adoption, either formal or equitable.
- 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 submit proposed documents at least a week before the hearing date.

Check one: I do not need an interpreter. **OR**
 I need an interpreter and will arrange for a licensed court interpreter at the hearing.

Applicant's Attorney (Printed Name)

Applicant's Attorney (Signature)

State Bar No. _____