

Uncontested Probate Docket: Paperwork

Travis County Probate Court No. 1

Note to pro se applicants:

Please see the handout called “*Court Policy Regarding Pro Se Applicants*” for the procedures you need to follow. The procedures described in this handout are designed for attorneys who must electronically file all documents, not for pro se applicants.

It is the Court’s policy to review—**before** the hearing—all documents for an uncontested probate matter. We must receive all documents **no later than 10:00 a.m. on the Tuesday the week before the scheduled hearing, or the hearing is subject to cancellation** (Monday preferred). By reviewing the documents before the hearing, the Court can ensure that hearings go more smoothly for participants who are already dealing with the stress of someone’s death. Attorneys also benefit from smoother hearings and can avoid having errors pointed out to them in front of their clients. Please see page 2 regarding what documents you need to submit to the Court before the deadline.

How do you get documents to the Court for review?

- **Wills.** Original Wills and any copies of Wills that are offered for probate (or filed and not offered for probate) must be physically filed in the Clerk’s office within three business days after the application is electronically filed. The Court recommends—but does not require—that you also file a pdf of the Will with your application, either as an exhibit or as a separate document.
- **Everything else except the proposed orders, testimony, and oaths that will be signed after the hearing.** Pursuant to Texas Rule of Civil Procedure, attorneys must now e-file everything they are *filing* – and that includes everything from waivers to affidavits of publication to appointments of resident agents. *If it is a document executed before the hearing, TRCP 21 requires that you e-file it, and our guidelines require that you file it before the deadline indicated above. We are no longer able to have you bring something in and get it file-stamped right before the hearing.*
- **Proposed orders, oaths, and testimony that will be signed after the hearing.** Since these documents are not actually “filed” before the hearing, TRCP 21 does not apply. Attorneys have multiple options for getting these required documents to the Court for review before the 10:00 a.m. Tuesday deadline indicated above:
 1. **Preferred method:** After the hearing is set, email documents to the Court, ***including the hearing date and estate name in the subject line***. We prefer Word (or other editable format) in case slight modifications are needed. Email to emily.meisgeier@traviscountytexas.gov.
 2. **After the hearing is set, deliver proposed documents directly to the Court**, not to the Clerk, *indicating the hearing date and time on a Post-It note or cover sheet attached to the documents.*
 3. **E-file the documents with the application.** You may e-file *all* documents when you file the application, including proposed orders, testimony, and oaths that will be signed after the hearing.
 4. **E-file those documents after the application is filed – but ONLY if it’s at least one week before the paperwork deadline.** You may e-file *any* document into an existing case, but *please don’t use this approach if it’s less than a week before the paperwork deadline* because there is a fairly significant delay between e-filing and when a document is available to the Court for review. ***Please either (1) give the date of the hearing or (2) indicate that no hearing has been set.***

If you email pdf versions, deliver hard copies, or e-file your documents, please see the caveats in the box at the top of the next page.

E-filing? Hand delivery? Emailing pdfs?

If you send proposed orders, oaths, and testimony to the court in a format we cannot alter, even for minor changes:

- please be especially careful about how you draft the documents
- please watch for emails during the week before the hearing in case changes need to be made
- please let the Court know when a hearing has been set

What documents does the Court need before the deadline?

You must submit the following three documents in all cases:

1. the application,
2. the 2-page information/cover sheet (filed *with* the application as required by Texas Supreme Court), and
3. the death certificate (cross out the Social Security Number).

See the following chart for the minimum additional documents we need in different situations:

<u>Minimum* additional documents necessary for Letters</u>	<u>Minimum* additional documents necessary for Muniment</u>	<u>Minimum* additional documents necessary for Heirship</u>
<ol style="list-style-type: none"> 1. Will 2. Order 3. Proof of death and other facts 4. Oath 	<ol style="list-style-type: none"> 1. Will 2. Order 3. Proof of death and other facts 	<ol style="list-style-type: none"> 1. Service of citation on—or waiver from—all non-applicant heirs and other persons requiring notice under Texas Estates Code § 202.008 2. Consents from all heirs if seeking independent administration 3. Affidavit of publication 4. Proof of death and other facts 5. Statement of facts concerning the identity of heirs for each of two disinterested witnesses 6. Oath (if seeking administration) 7. Electronic version of heirship chart (we prepare the Judgment, but we use information from you about names and addresses of the heirs)

* Additional documents will be required for copies of wills, wills that are not self-proved, wills that are being probated more than four years after death—or if there are needed waivers, declinations, appointments of resident agents, *etc.*

If you have questions about the uncontested docket or these guidelines, please email the Staff Attorney (Law Clerk to Judge Herman) at emily.meisgeier@traviscountytx.gov, or call her at (512) 854-9283.