

Guidelines for Uncontested-Docket Paperwork


Travis County Probate Court No. 1

It is the Probate Court’s policy to review—before the hearing—all documents to be filed in an uncontested probate matter. We must receive all documents no later than 10:00 a.m. on the Tuesday the week before the hearing. 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.

The documents you need to submit obviously will depend on the situation, but see the following chart for the **minimum** documents we need to have before the hearing—in addition to the Application, Will (if any), and posted citation:

<u>Minimum* additional documents necessary for Letters</u>	<u>Minimum* additional documents necessary for Muniment</u>	<u>Minimum* additional documents necessary for Heirship</u>
Order Proof of death and other facts Oath Death certificate (you may redact the SSN)	Order Proof of death and other facts Death certificate (you may redact the SSN)	Service of citation on—or waiver from—all non-applicant heirs and any other persons requiring notice under Probate Code § 49 Affidavit of publication Proof of death and other facts Affidavit of facts concerning the identity of heirs for each of two disinterested witnesses Death certificate (you may redact the SSN) Judgment declaring heirs (combined with an order for administration, if applicable)
* 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, <i>etc.</i>		



When possible, we recommend that you turn in all of your documents to the Clerk’s office at the time you file the application. If you do so, you can stop reading these guidelines now.  The documents you give to the clerks when you file the application will be in the file when it’s pulled for review.

The directions in this box apply only if you can’t turn in all of the documents when you file the application. In that case, the instructions get more complex regarding where to turn in documents. We wish we could tell you to deliver all other documents to the same location, regardless of what the documents are and regardless of when you file them, but the realities of paperflow at the Courthouse make that impossible. Some documents should be delivered directly to the Court, and others should be filed with the Clerk.

Unexecuted documents (for example, order, proof of death, oath): Please deliver all unexecuted documents directly to the Court, not to the Clerk, **after the hearing is set**. Indicate the hearing date and time on a cover letter or Post-It note attached to the documents. Mail the documents to Clint Alexander, Law Clerk to Judge Guy Herman, PO Box 1748, Austin, TX 78767, or drop them off in Room 217, Travis County Courthouse.

Documents that are ready to be filed (for example, publisher’s affidavits, notarized waivers): The Court does not want to risk losing an executed document that has not been filed and scanned. Therefore, please **file** all executed documents in the Clerk’s office. What else you need to do with those documents—if anything—depends on when the hearing will be held:

- **If the hearing will be held more than 3 weeks after you file an executed document**, you don’t need to do anything else. The document should be in the file when it’s pulled for review.
- **But if the hearing will be held within 3 weeks after you file a document, please also mail or drop off a file-stamped copy to the Court**, with a letter or Post-It note indicating the date and time of the hearing.

If you have questions about the uncontested docket or these guidelines, please call the Law Clerk’s office at (512) 854-9283. Email: Clint.Alexander@co.travis.tx.us.