

Some notes about the following checklists:

These are designed to be merged with the probate case data file ("Data File - Probate or Guardianship Case.dat") which contains information about the Decedent, the Applicant, and the case. Different forms are generated depending on if the case is Testate or Intestate, whether the will is original or lost, and which county has venue.

The idea is to merge it with the data file twice: the first time to set the basic information, and the second after it is filed to add in the case number and the date of filing.

CODES(
 ASSIGN(vTestate;1)
 ASSIGN(vIntestate;0)
 IFBLANK(Date of Will)
 ASSIGN(vTestate;0)
 ASSIGN(vIntestate;1)
 ENDIF
) IF(VARIABLE(vIntestate)) HEIRSHIP/ADMINISTRATION ELSE PROBATE ENDIF FILING CHECKLIST
 In Re: Estate of FIELD(Principal), Deceased, Cause No. MRGCMND(FIELD(Cause Number))

Set up client in Timeslips, record retainer. Set up client folder ("Applicant - E of Decedent"), fill out and save Data File - Case.dat IF(VARIABLE(vIntestate))

- Application for Determination of Heirship and for Administration ELSE
- Application (Make sure to OCR scanned copy IF(FIELD(Lost)) ELSE , and wait to file until have original Will ENDIF !) ENDIF
- Cover Letter IF(VARIABLE(vIntestate))
- Cover Letter for Filing Ad Litem Fee ELSE IF(FIELD(Lost)) ELSE
- Cover Letter for Filing Original Will

Remove staples from Will, scan. Redact if necessary. Staple back together with one vertical staple away from the original holes, and initial next to the staple on the Will. ENDIF
 IFNOTBLANK(OriginalExecutor)

- Waiver of Letters Testamentary ENDIF ENDIF IF(FIELD(Lost))
- Waivers of Citation for Heirs
- Certificate of Compliance 258.002 ENDIF

IF(FIELD(County)="Dallas") **Dallas County:** IF(VARIABLE(vIntestate)) File the combined Application along with the standard probate filing fee of \$242, except **two** separate \$4 fees for Citation, \$20 fee for Service by Posting, plus a \$65 fee for Service by Publication, for a total of \$335. Once get the case number, mail in a check for \$400 for the ad litem deposit.

Probate Court 2 requires that the applicant post notice on any application for determination of heirship. This is in addition to the published citation that is published in a local newspaper. When an application for determination of heirship is combined with an application for an independent administration, the Clerk will usually post notice. The attorney should check, however, to ensure that the determination of heirship is referenced in this posted notice in addition to the administration request ELSE A Will needs to be filed as an **attachment** to the Application. You should have **two** separate lead documents: 1) Application ("Application" filing code) + Will as attachment, 2) Cover letter, if desired. Need basic filing \$242, Issue Citation \$4, and Serve By Posting \$20 for total filing fee of \$266. ENDIF ENDIF

IF(FIELD(County)="Collin") **Collin County:** Each document must be filed as a Separate Lead

Document but all in the same envelope. Clerk does not accept "attachments." You should have **two** separate lead documents: 1) Application ("Application" filing code) and 2) Will ("Will//Codicil" filing code).

See [Collin County Expedited Probate Docket for Wills](#) also. **ENDIF IF(FIELD(County)="Tarrant")**

Tarrant County: Each document must be filed as a **Separate Lead Document but all in the same envelope**. You should have **three** separate lead documents: 1) Application ("Application" filing code), 2) Will ("Will//Codicil" filing code), and 3) The Tarrant County "[Supplement Probate Case Information Sheet](#)" ("Application" filing code).**ENDIF**

After filing: IF(FIELD(Lost))ELSE file original Will per TRCP Rule 21(f)(12). ENDIF Re-merge this checklist form to add cause number and date of filing. IF(VARIABLE(Intestate))

All heirs need to be personally served with citation or file waivers of citation, then a Certificate of Compliance must be filed prior to hearing:

[Waiver of Citation & Request for Independent Administration](#)

[Certificate of Compliance 202.057](#)**ENDIF**

Filing: **MRGCMND(FIELD(** Hearing Date first Monday after: **January 11, 1900**
Date of Filing))

CALL CLERK FOR HEARING DATE. ADD HEARING DATE TO DATA FILE AND THIS FILE (TABLE ON LAST PAGE).

**IF(VARIABLE(vIntestate))HEIRSHIP/ADMINISTRATIONELSE PROBATEENDIF HEARING CHECK-
LIST**

In Re: Estate of FIELD(Principal), Deceased, Cause No. MRGCMND(FIELD(Cause Number))
Date of Hearing: January 20, 2022ENDIF IF(FIELD(County)="Collin")

Collin: For a Zoom hearing, TWO WEEKS PRIOR TO HEARING DATE, SIGNED hearing documents (Proof, Oath) and the proposed Order need to be e-mailed to probate@co.collin.tx.us, ready for printing and use in court. Use template in Thunderbird. Zoom hearing ID: 972-548-3810 ; sign on no more than 15 minutes ahead of hearing time.ENDIF IF(FIELD(County)="Dallas")

Dallas: TWO WEEKS PRIOR TO HEARING DATE, Hearing documents need to be e-filed as attachments to a [cover letter](#) (containing a confirmation of the hearing date), along with \$2.00 for Order fee, ready for printing and use in court. Also remember to get to hearing early, as they schedule by check in. **Court 3** requires e-mailing death certificate to elroberson@dallascounty.orgENDIF IF(FIELD(County)="Tarrant")

Tarrant: Must send in the hearing documents **at least 10 days** prior to the hearing, all as separate lead documents. The Proof of Death and the Oath are signed in front of the clerk, not the judge. At the hearing, signings will be done electronically - although the judge will often sign copies of the Order.ENDIF

SET A REMINDER.

Create documents for hearing and for client:IF(FIELD(County)="Dallas")

- [Waiver of De Novo Hearing \(If before an associate judge\)](#)ENDIF IF(VARIABLE(vIntestate))
- Make sure citation posted *and* published citation and *both* returned
- [Direct Examination of Witness re Heirship \(2\)](#)
- [Proof of Heirship and Other Facts \(2\)](#)IF(FIELD(County)="Dallas")IF(FIELD(Court Number) ="2")
- [Proof Addendum \(Dallas Court 2\) - Disinterested Witness \(2\)](#)ENDIF ENDIF
- [Judgment of Heirship](#)
- [Direct Examination of Applicant - Heirship](#)ELSE
- Make sure citation posted and returned
- [Direct Examination of Applicant](#)ENDIF IF(FIELD(Lost))
- Direct Examinations of Witness - Copy of Will
- [Proof by Subscribing Witness](#)ENDIF
- [Proof of Death and Other Facts](#)CODES(IF(FIELD(County)="Dallas")IF(FIELD(Court Number) ="2"))
- IF(FIELD(Muniment))[Affidavit of No Debts and No Dissolution of Marriage \(Court 2\)](#)
ELSE [Proof Addendum Qualifications \(Court 2\)](#)ENDIF
- [Proof Addendum for Disinterested Witness \(Court 2\) \(if needed\)](#)
- [Proof Addendum \(Dallas Court 2\)](#)CODES(ENDIF ENDIF)IF(VARIABLE(Intestate))
- [Order Determining Administration](#)ELSE
- [Order Probating Will](#)ENDIF
- [Oath of Personal Representative](#)

- E-file Hearing Documents with Court `IF(FIELD(Court Number)="3")`
- E-mail Death Certificate to elroberson@dallascounty.org `ENDIF`
- E-mail Hearing Documents to Court Administrator
- [Form SS-4](#)
- [Form 56](#)
- [Envelope for Order & Letters](#) `FIELD(DocTitle)` + [Return Address](#)
- [Guide for the Personal Representative](#)
- [Checklist for the Executor or Administrator](#)
- [Memorandum re Inventory](#) and generic [Draft of Inventory](#)
- Blank check (to pay for Letters and Order, **plus certified copies of `IF(VARIABLE(Testate))`**)
- Will and `ENDIF` Order – one per piece of real estate outside of county** with State Bar number under address, and case number in memorandum field

`IF(FIELD(County)="Dallas")` Map to Dallas County Probate Courts:

<http://maps.google.com/maps/ms?ie=UTF&msa=0&msid=201458908385796022448.00045ffdef9c64e570da0> `ENDIF`

`ENDIF` `ENDIF` `IF(FIELD(County)="Collin")`

Collin County: Prove-up documents are filed after the hearing with the clerk (no e-file). Judge Copeland prefers that the witnesses pre-sign all the proofs and oaths before testifying. Speeds up the process for him. The inventory is e-filed unless it is complete at the hearing and the clerks will usually accept it then.

Map to Collin County Probate Courts:

<https://www.google.com/maps/@33.2418247,-96.6337846,17z/data=!3m1!4b1!4m2!6m1!1s1sWQibjsl9j6xLn4BYn9xUoFSMX8> `ENDIF`

Place all these in the respective hearing folders. When going to the hearing, add the case folder to the hearing folder, place both in briefcase along with computer (just in case adjustments or filings are needed), and a pen for client/witness signings.

IF(VARIABLE(vIntestate))HEIRSHIP/ADMINISTRATIONELSE PROBATEENDIF POST-HEARING CHECKLIST

In Re: Estate of **FIELD(Principal)**, Deceased, Cause No. **MRGCMND(FIELD(Cause Number))**

Date Admitted: January 20, 2022

CURRENT STATUS:	Do the following...
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Wait for Order, then efile a [letter requesting Letters IF\(VARIABLE\(vIntestate\)\)of AdministrationELSE TestamentaryENDIF](#)

Upon receipt, send Letters to client with [letter to client with Letters & Affidavits](#)

Set up reminders in task list for these deadlines, remind client.

[Notice to Creditors](#) (publish by Saturday, February 19, 2022)IF(VARIABLE(vTestate))

Section 308.002 Notice (provide by Monday, March 21, 2022):

- [Section 308.002 Notice to Beneficiaries](#)
- [Section 308.002 Receipt & Waiver of Notice](#)
- [Section 308.002 Waiver of Notice](#)
- [Section 308.002 Certificate of ComplianceENDIF](#)

Section 308.053 Notices to Secured Creditors (provide by Monday, March 21, 2022):

- [Section 308.053 Notice to Secured Creditors - Attorney](#)
- [Section 308.053 Notice to Secured Creditors](#)
- [Section 308.053 Affidavit of Compliance](#)

Inventory & Appraisalment or Affidavit in Lieu (file by Monday, March 21, 2022)

- [Inventory Questionnaire](#)
- [Inventory, Appraisalment, & List of Claims](#) and [Order Approving Inventory](#)
- [Affidavit in Lieu of Inventory](#)

WITHIN NINETY (90) DAYS OF HEARING DATE, e-file above documents as additional lead documents to a [cover letter](#) (Order on Inventory is filed as an attachment to the Inventory, except in Collin County)

Action	Days	Date
Hearing Date / Date Admitted:		Thursday, January 20, 2022
Publish Notice to Creditors:	30	Saturday, February 19, 2022
IF(VARIABLE(vTestate))Provide §308.002 Notices:	60	Monday, March 21, 2022
ENDIF Send §308.053 Notices to Secured Creditors:	60	Monday, March 21, 2022
File Inventory & Appraisalment & Affidavits:	90	Wednesday, April 20, 2022

Document to File	Pages	Filing fee (\$26 + \$4/add. page)
Deed	13	\$74.00