

BEXAR COUNTY PROBATE COURT NO. 1
UNCONTESTED APPLICATIONS TO PROBATE A WILL
EITHER FOR LETTERS TESTAMENTARY OR AS A MUNIMENT OF TITLE

Uncontested Probate Docket - Uncontested probate matters typically heard on Mondays in Probate Court No. 1 will be **heard by submission**.

1. After confirmation that your case has been assigned to Probate Court No. 1, please send or take the original will to the probate clerk' office.
2. E-file your proposed order, notarized Proof of Death and Other Facts, copy of the Death Certificate, in addition to any other required documents. The client (and witnesses) may sign the proofs of deaths, affidavits and oaths before a notary at the attorney's office or elsewhere. However, the oath should not pre-date the judge's order.
3. Keep in mind that if a notary public is not accessible, until further notice, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit pursuant to Civil Practice & Remedies Code §132, where allowed by law.
4. No FIAT will be required for these uncontested applications to probate a will.
5. Once the court receives the original file, original Will/Codicil and all other e-filed and accepted documents, the Staff Attorney will review them.
6. If all documents are correct, the order is given to the judge for signature.
7. You may contact the court three days after the posting date, or one week after your documents were e-filed if the posting date has passed, to get a status update regarding the order.
8. If your order has been signed, you may e-file your notarized oath (when appropriate) and request letters and/or plain/certified copies.
9. **The court will not send a copy of the order to you.** Please contact the probate clerk's office for any copies you need.

HEIRSHIPS AND ADMINISTRATIONS

Please ensure that all the following documents, appropriate for your case, are on file before you contact the court for a hearing date. The attorney must complete, sign and e-mail the checklist to the Probate Court No. 1 Administrative Assistant or Staff Attorney to request a hearing. After a hearing date and time are coordinated with the court, please e-mail a Fiat or Order Setting Hearing to:

Administrative Assistant - Samantha G. Guerra (210) 335-2190
samantha.guerra@bexar.org

Staff Attorney - Martin Collins (210) 335-0490
mcollins@bexar.org

The requesting attorney will have to arrange either a Zoom meeting or telephonic conference for the hearing they are setting, and are required to share sign on details with the court and all necessary parties.

Document Checklists for Heirships and Administrations

Heirship

- Verified Application
- Publication on unknown heirs through the SA Hart Beat or like publication
- Motion and Order to Appoint Attorney Ad Litem
- Report of Attorney Ad Litem
- Waivers or Certified Mail proof from all know adult Heirs
- Statements of Disinterested Witnesses (2) that are signed and sworn to by witnesses or by unsworn declaration under 132.001 Civil Practice & Remedies Code
- Copy of a Death Certificate, Obituary or some other proof of Decedent's death
- Proposed Heirship Judgment
- 202.057 Affidavit Requirement
- Blank Fiat setting application for hearing if only setting Heirship (Date and time will be coordinated with Administrative Assistant or Staff Attorney and *only this document* will be e-mailed to same). Court will fill in the agreed upon date and time and confirmation will be sent by e-mail. **The court will not return a copy of the Fiat to the attorney.**
- Citation by Publication on the Office of Court Administration website. Required as of 7/1/2020 according to §51.054 of the Texas Estates Code

Independent Administration

- Application for Independent Administration
- Copy of a Death Certificate, Obituary or some other proof of Decedent's death
- Consent to Independent Administration from all Adult Heirs either done before a notary or by 132.001 Civil Practice & Remedies Code
- Proof of Death and Other Facts signed by applicant or applicant's attorney either before a notary or by 132.001 Civil Practice & Remedies Code
- Blank Fiat setting application for hearing if only setting Heirship (Date and time will be coordinated with Administrative Assistant or Staff Attorney and *only this document* will be e-mailed to same). Court will fill in the agreed upon date and time and confirmation will be sent by e-mail. **The court will not return a copy of the Fiat to the attorney.**

- Proposed order appointing Independent Administrator

Dependent Administration

- Application for Dependent Administration
- Proof of Death and Other Facts signed by applicant or applicant's attorney either before a notary or by 132.001 Civil Practice & Remedies Code
- Copy of a Death Certificate, Obituary or some other proof of Decedent's death
- Blank Fiat setting application for hearing if only setting Heirship (Date and time will be coordinated with Administrative Assistant or Staff Attorney and *only this document* will be e-mailed to same). Court will fill in the agreed upon date and time and confirmation will be sent by e-mail. **The court will not return a copy of the Fiat to the attorney.**
- Proposed order appointing Dependent Administrator

I, _____ confirm that all required documents for the hearing I am

Requesting in Cause No. _____ are correct and have been e-filed and accepted by the Bexar County Probate Clerk's office.

Signed: _____ Date: _____

GUARDIANSHIPS

Please ensure that all the following documents, appropriate for your case, are on file before you contact the court for a hearing date. **We cannot offer a hearing date until the Court Investigator's Report is on file.** If you have questions for our Court Investigator Elaine Damian regarding your case, she may be reached by e-mail at Elaine.Damian@bexar.org.

If a Court Investigator's Report is on file, the attorney must complete, sign and e-mail this checklist to the Probate Court No. 1 Administrative Assistant or Staff Attorney to request a hearing. After a hearing date and time are coordinated with the court, please e-mail a Fiat or Order Setting Hearing to:

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samantha.guerra@bexar.org

Staff Attorney - Martin Collins (210) 335-0490
mcollins@bexar.org

The requesting attorney will have to arrange either a Zoom meeting or telephonic conference for the hearing they are setting, and are required to share sign on details with the court and all necessary parties.

Guardianship Hearing Checklist, Cause No. _____

Hearing Checklist, Cause No. _____ - _____

Pursuant to TRCP 21, attorneys must electronically file everything they are **filing**, which includes **everything** on the checklist below that is applicable in this case.

	YES	NO	NOTES
APPLICATION COMPLETE (See checklist).....	<input type="checkbox"/>	<input type="checkbox"/>	

PERSONAL SERVICE ON WARD	<input type="checkbox"/>	<input type="checkbox"/>	

APP ATTORNEY 4 HR. CERTIFIED

	YES	NO	N/A	NOTES
<u>§ 1051.103</u> (waivers for uncontested docket)				
mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

conservator.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

spouse.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

non-applicant guardian

§ 1051.104 (notice) **YES** **NO** **N/A** **NOTES**

adult children.....

adult sibling.....

facility administrator

agent / attorney-in-fact.....

Verified Affidavit Confirming Notice and Service

PHYSICIAN'S CERTIFICATE OF MEDICAL EXAMINATION (PCME) (Applications must use the **September 2015** revision of the form or subsequent revisions.) OR DETERMINATION OF INTELLECTUAL DISABILITY REPORT (DID)

YES **NO** **N/A** **NOTES**

YES **NO** **N/A** **NOTES**
AD LITEM ANSWER

AD LITEM REPORT

RESIDENT AGENT FORM.....

REGISTRATION INFO SUBMITTED

CRIMINAL BACKGROUND CHECK

GUARDIANSHIP TRAINING
CERTIFICATE OF COMPLETION

COURT INVESTIGATOR REPORT FILED

I, _____ confirm that all required documents for the hearing I am Requesting in Cause No. _____, Guardianship of _____ are correct and have been e-filed and accepted by the Bexar County Probate Clerk's office.

Signed: _____ Date: _____

FOR ALL OTHER HEARINGS IN PROBATE COURT NO. 1

If you wish to schedule a hearing please contact the Administrative Assistant or Staff Attorney to discuss court availability. Please note that the times offered may have been offered to others as well. After a hearing date and time are coordinated with the court, please e-mail a Fiat or Order Setting Hearing to:

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samantha.guerra@bexar.org

Staff Attorney - Martin Collins (210) 335-0490
mcollins@bexar.org

If your desired date and time are still available, you will receive confirmation by e-mail. **We do not return copies of signed Fiats/Notices/Orders Setting Hearing to attorneys.** If you would like a conformed copy placed in our court pick-up box, please e-mail an additional copy to us.

The requesting attorney will have to arrange either a Zoom meeting or telephonic conference for the hearing they are setting, and are required to share sign on details with the court and all necessary parties.