

**COURT RULES FOR E-FILING**  
**IN THE**  
**HILL COUNTY PROBATE COURT**  
*EFFECTIVE February 18, 2016*

**Justin W. Lewis**  
**Judge, Hill County Court**

**TABLE OF CONTENTS**

I. INTRODUCTION .....	3
A. E-Filing Overview .....	3
B. The Mandate and the Rules .....	3
C. Technology Standards .....	3
D. Rules, Local Rules and Standing Orders .....	3
E. Applicability .....	3
II. EXCEPTIONS TO E-FILING .....	3
A. Original Wills .....	3
B. Other Exceptions .....	4
III. SENSITIVE DATA .....	4
A. Sensitive Data Prohibited .....	4
B. Sensitive Data Defined .....	4
C. Redaction Required .....	5
D. Retention Requirement .....	5
E. Notice to Clerk of Required Unredacted Sensitive Data .....	5
F. Non-Conforming Documents .....	5
IV. SENSITIVE INFORMATION .....	5
A. Sensitive Information Prohibited or Required .....	5
B. Sensitive Information Defined .....	5
C. Proceedings in Which Documents Containing Sensitive Data Must Not Be E-Filed .....	6
D. Documents Containing Required Sensitive Data Required to Be E-Filed .....	6
E. Documents Containing Required Sensitive Data Which May Be E-Filed .....	6
F. Documents Containing Required Sensitive Information To Be Non-Public .....	6
G. Retention Requirement .....	6
H. Non-Conforming Documents .....	6
V. THE FILING PROCESS .....	6
A. Document Format .....	6
B. Electronic Signatures, Acknowledgments, Notarization and Verification .....	7
C. Envelopes, Lead (Main) Documents and Supporting Documents (Attachments) .....	8
D. Case Codes: Probate/Mental Health .....	9
E. Filing Types .....	9
F. Cover Letters/Notes to The Clerk .....	10
G. Private Process Servers .....	11
H. Effective Time of Filing .....	11
I. Return of Filed Documents for Correction .....	11

J. E-Service .....	13
K. File the Document .....	13
L. Confirmation & Acceptance.....	13
<b>VI. SPECIFIC PROCEDURES .....</b>	<b>14</b>
A. Filings by Attorneys Ad Litem and Guardians Ad Litem .....	14
B. Filings by Non-Attorneys .....	14
C. Curative Filings .....	15
D. Submission of Unredacted Audit Materials .....	15
E. Setting Procedures, Hearing Procedures and Vacation Notices .....	15
<b>VII. SPECIFIC PROCEDURES: STEP-BY-STEP .....</b>	<b>16</b>
A. Probate of Will & Issuance of Letters Testamentary .....	16
B. Probate of Will as a Muniment of Title.....	17
C. Court-Created Independent Administration - Testate Estate.....	17
D. Court-Created Independent Administration – Intestate Estate.....	18
E. Application for Letters of Administration.....	19
F. Application to Determine Heirship .....	20
G. Application for Letters of Guardianship .....	21

**APPENDICES:**

1. Standing Order Adopting Court Rules for E-Filing in the Hill County Probate Court .....	23
2. Standing Order Waiving Ad Litem Filing Fees in Matters Other than Guardianship .....	24
3. Motion and Order to Redact Social Security Numbers .....	25
4. Setting Request.....	27
5. Vacation Notice.....	28

**APPENDICES BY HYPERLINK ONLY:**

6. Case Information Sheet (with Instructions)	<a href="http://www.txcourts.gov/media/514426/RevCivilCaseInfoSheetEff3_1_13.pdf">http://www.txcourts.gov/media/514426/RevCivilCaseInfoSheetEff3_1_13.pdf</a>
7. Tex Sup Ct: Mandate on e-Filing (Misc. Docket 12-9206)	<a href="http://www.supreme.courts.state.tx.us/miscdocket/12/12920600.pdf">www.supreme.courts.state.tx.us/miscdocket/12/12920600.pdf</a>
8. Tex Sup Ct: Technology Standards – v1.3 (Misc. Docket 14-9079)	<a href="http://www.courts.state.tx.us/jcit/standards/TechStandardsV1.3.pdf">http://www.courts.state.tx.us/jcit/standards/TechStandardsV1.3.pdf</a>

# COURT RULES FOR E-FILING IN THE HILL COUNTY PROBATE COURTS

## I. INTRODUCTION

These materials constitute the Standing Orders of the Statutory Probate Court of Hill County, Texas regarding the electronic filing of documents in the Hill County Probate Court and will control such filings, to the extent they are not inconsistent with the Texas Rules of Civil Procedure or the Local Rules of the Hill County Courts concerning the Electronic Filing of Court Documents.

### A. E-Filing Overview

An overview of the e-filing system can be best gleaned from the Supreme Court's website at [www.courts.state.tx.us/jcit/Efiling/EfilingHome.asp](http://www.courts.state.tx.us/jcit/Efiling/EfilingHome.asp) or in the January 2014 Texas Bar Journal article "Are You Ready for E-Filing?" Much reference material is accessible on the E-filing Home Page of the Texas Supreme Court's website, *supra*.

All attorneys practicing in the Hill County Probate Court must become familiar with these rules and standards.

### B. The Mandate and the Rules

1. SUPREME COURT MANDATE - On December 11, 2012, the Texas Supreme Court issued its mandate that filing of all court documents in civil cases would be required to be by electronic means, to be implemented in six month phases, beginning January 1, 2014. (Appendix 8)

[www.supreme.courts.state.tx.us/miscdocket/12/12920600.pdf](http://www.supreme.courts.state.tx.us/miscdocket/12/12920600.pdf)

2. STATE E-FILING RULES - On December 13, 2013, the Supreme Court issued its final rules for electronically-filed civil court documents, effective January 1, 2014. *Misc. Docket No. 13-9165 (Appendix 11)*.

[www.supreme.courts.state.tx.us/miscdocket/13/13916500.pdf](http://www.supreme.courts.state.tx.us/miscdocket/13/13916500.pdf) (App. B) These rules supersede all other local civil rules governing electronic document filing in Texas courts.

### C. Technology Standards

The latest technology standards (March 21, 2014) set by the Judicial Committee on Information Technology and approved by the Supreme Court may be accessed at: <http://www.supreme.courts.state.tx.us/miscdocket/14/14907900.pdf>

### D. Rules, Local Rules and Standing Orders

The **Rules** of Civil Procedure, promulgated by the Supreme Court, are the fundamental "postulates on which the administration of justice in the courts should proceed," 4 Tex. B. J. 459 (1941), while **Local Rules** are adopted by individual counties, but must be approved by the Texas Supreme Court pursuant to Tex. Rules Civ. Proc. 3a (e.g. Appendix 10).

We have the Statewide Rules on e-Filing, as referenced above, but these are largely 'bare bones' rules, leaving many of the details of the filing process. Hence the need for this commentary.

These Court Rules are promulgated pursuant to **Standing Orders**, which are policy statements issued by a particular court or for a county to apply to the local courts, but which do not require Supreme Court approval.

### E. Applicability

Except as limited (see below) all documents filed by attorneys with the court are to be electronically filed.

## II. EXCEPTIONS TO E-FILING

### A. Original Wills

1. RULES REFERENCES - Original Wills are addressed in three places in the Statewide e-Filing Rules:

- A. **Rule 21(f)(4)(A)(i)** (“Exceptions”) provides that original wills are not required to be filed electronically.
- B. **Rule 21(f)(12)** provides: When a party electronically files an application to probate a document as an original will, the original will must be filed with the clerk within three business days after the application is filed.
- C. **Rule 21c(b)** excepts “wills and documents filed under seal” from the redaction requirement.

2. **PROTOCOL FOR HANDLING ORIGINAL WILLS FOR COPYING AND SCANNING:**

- A. **Disassembly, Copying and Re-Assembly of Original Will** - If it is necessary to disassemble a will for photocopying or scanning, re-assemble the will with a staple placed vertically and well away from any existing staple holes, preferably on the left side about two inches from the top of the page. The person responsible for disassembling and re-assembling the original will should also place their initials in colored ink beside the vertical staple. This creates a chain of custody in the event of a later contest of the will.
- B. **Electronic Copy to Be Filed** - Although the E-Filing Rules at **Rule 21(f)(4)(A)(i)** provide that original wills are not required to be filed electronically, a copy of the original will is hereby required to be filed electronically with the filing of the application for probate of the will.
- C. **Delivery of Original Will to Clerk** - The original of the will must be filed with the clerk within three business days (**Rule 21(f)(12)**). This may be done by mail, courier, or hand delivery as in the past. It is probably prudent to request a file-marked copy. The clerk will immediately file-mark, initial, event, scan and route the will to the appropriate person in the court.

**B. Other Exceptions**

- 1. **DOCUMENTS NOT TO BE E-FILED** - Rule 21(f)(4) also provides that the following categories of documents are not to be e-filed:
  - A. documents filed under seal (pursuant to a sealing order under Tex. Rules Civ. Proc. 76) or documents presented to the court in camera for a determination as to their admissibility. Tex. Rules Civ. Proc. 193.4;
  - B. documents to which access is otherwise restricted by law or court order (see below for a discussion of documents to which access is otherwise restricted by law or court order.); and
  - C. documents tendered by a Filer who has been found to be a vexatious litigant and who has not presented an order from the local administrative judge permitting the filing. Tex. Civ. Prac. & Rem. Code 1.103.
- 2. **PAPER DOCUMENT FILING** - Rule 21(f)(4)(C) also provides “For good cause, a court may permit a party to file other documents in paper form in a particular case.”
 

The following documents should **ALWAYS** be filed in paper form:

  - A. Original Wills and Codicils (pursuant to Rule 21(f)(12)).
  - B. Trust Agreements - The originals of any trust documents submitted to the court for review, approval, modification or termination (including Guardianship Management Trusts) must be filed in paper form. No retention requirement then applies if the originally executed trust is so filed.
  - C. Citation Returns
  - D. Surety Bonds
  - E. Subpoenas
  - F. Exemplified documents
  - G. Matters transferred from other courts
  - H. Trial Exhibits

*Note: Extremely voluminous trial exhibits might better be filed in electronic media (CD, DVD, etc.), pursuant to a specific order.*

**III. SENSITIVE DATA Rule 21c(a)**

- A. **Sensitive Data Prohibited** - E-filed documents must not contain sensitive data unless required by a statute, court rule, or administrative regulation.
- B. **Sensitive Data Defined** -

1. **FINANCIAL**: Social security numbers, taxpayer-identification numbers, bank and other financial account numbers (credit cards, etc.)
2. **GOVERNMENT ID**: Identification numbers on government-issued personal identification (driver's licenses, passports, etc.)
3. **MINORS**: Birth date, home address, and name of any person who was a minor when the underlying suit was filed. (i.e., any information regarding a minor must be treated as sensitive data.)

**C. Redaction Required -**

1. **PROHIBITION OF FILING DOCUMENTS CONTAINING SENSITIVE DATA - Rule 21c(b)** Unless the inclusion of sensitive data is specifically required by a statute, court rule, or administrative regulation, an electronic or paper document, *except for wills and documents filed under seal* containing sensitive data may not be filed with a court unless the sensitive data is redacted. (italics added)
2. **BURDEN OF REDACTION** - The burden of redaction of the sensitive data is on the Filer (not the Clerk). Redaction is accomplished by using the letter "X" in place of each omitted digit or character or by removing the sensitive data in a manner indicating redaction.
3. **MOTION TO REDACT** – Because Rule 21c(b) specifically excepts “wills and documents filed under seal” from the prohibition of filing unredacted sensitive data, it is incumbent on the Filer wishing for sensitive data to be redacted to file a Motion to Redact with the court, specifying the sensitive data to be redacted, identifying its location within the document by page and paragraph, and requesting the court to redact the sensitive data on the original document and to order the clerk to redact the sensitive data maintained in the clerk's official public records, including electronically stored information maintained by or under the control of the clerk. See Appendix 3 for a form of a Motion and Order.
4. **TREATMENT OF ORIGINAL WILL PENDING REDACTION** – When an original will containing sensitive data has been filed and a Motion to Redact has been filed, the clerk will make the electronic copy of the will a non-public document. Upon the granting of the Order to Redact and the redaction of the original will by the court and of the electronically stored information by the clerk, the redacted will shall be made a public document.

**D. Retention Requirement** - The Filer must retain an unredacted version of the filed document during the pendency of the case and any related appellate proceedings filed within six months of the date the judgment is signed. **Rule 21c(c)**

**E. Notice to Clerk of Required Unredacted Sensitive Data** - If a document is required by statute or court rule to contain unredacted sensitive data, the filing party must notify the clerk:

1. if the document is e-filed, by designating in the Case Information Sheet - Probate Supplement that the document contains sensitive data; or
2. if the document is not e-filed, by including, on the upper left-hand side of the first page, the phrase: "NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA." **Rule 21c(d)**

**F. Non-Conforming Documents** - The court may strike any document containing sensitive data in violation of this rule and require a redacted substitute document to be filed. The substitute document must be deemed filed on the same day as the document that was struck. **Rule 21c(e)**

**IV. SENSITIVE INFORMATION:**

**A. Sensitive Information Prohibited or Required** - Documents to which access is otherwise restricted by law or court order must not be filed electronically. **Rule 21(f)(4)** However, Rule 21c(b) anticipates that the inclusion of sensitive data may be specifically required by a statute, court rule, or administrative regulation.

**B. Sensitive Information Defined** – “Sensitive Information,” as used in these Standing Orders, includes information contained in documents, beyond the identifying numbers and data defined as ‘sensitive data’ in Rule 21c(a), access to which is either prohibited by other statute or these rules or which is required by statute to be in the court’s file. A non-exhaustive listing would include:

1. **PROTECTED HEALTH INFORMATION** – made confidential by HIPAA (45 CFR 164.512(e)(1)(i)) and made applicable to Texas by Tex. Hlth. & Saf. Code Chap. 181. This type of information most often comes up in guardianships:
  - A. the Certificate of Medical Examination or Determination of Intellectual Disability - Tex. Est. Code §§ 1101.103, 1101.104, 1202.152;
  - B. Court Visitor Reports - Tex. Est. Code § 1054.104;

- C. Guardian Ad Litem Reports - Tex. Est. Code § 1202.054;
  - D. Guardian of the Person Reports - Tex. Est. Code § 1163.101; and
  - E. Documents filed in conjunction with a court's determination of whether a guardianship should be continued, modified, or terminated - Tex. Est. Code § 1201.052.
2. CRIMINAL HISTORY RECORD INFORMATION - on potential guardians – Tex. Est. Code § 1104.103;
  3. ADULT PROTECTIVE SERVICES RECORDS – made confidential by Tex. Hum. Res. Code § 48.101 - filed as a part of an Application for Emergency Protective Services - pursuant to H&SC § 48.208 or as a part of an investigation of suspected abuse, neglect or exploitation.
  4. CHEMICAL DEPENDENCY, MENTAL HEALTH OR INTELLECTUAL DISABILITY RECORDS – Tex. Hlth & Saf. Code Chaps. 462, 571 & 574 used in civil commitment proceedings.
  5. VETERANS ADMINISTRATION RECORDS - 38 U.S.C. §§ 5701, 7332; Privacy Act of 1974 (5 U.S.C. § 552a).
- C. Proceedings in Which Documents Containing Sensitive Data Must Not Be E-Filed –**
1. EMERGENCY PROTECTIVE SERVICES - H&SC § 48.208.
  2. MENTAL HEALTH COMMITMENTS regarding Chemical Dependency, Mental Health or Intellectual Disability Records – Tex. Hlth. & Saf. Code Chaps. 462, 571 & 574.
- D. Documents Containing Required Sensitive Data Required To Be E-Filed –**
1. CERTIFICATES OF MEDICAL EXAMINATION & DETERMINATIONS OF INTELLECTUAL DISABILITY - Tex. Est. Code §§ 1101.103, 1101.104, 1202.152;
  2. ATTORNEY AD LITEM REPORTS - (Probate Court Two only);
  3. GUARDIAN AD LITEM REPORTS - Tex. Est. Code § 1202.054;
  4. MODIFICATION, TERMINATION - Documents filed in conjunction with a court's determination of whether a guardianship should be continued, modified, or terminated. Tex. Est. Code § 1201.052; and
  5. CRIMINAL HISTORY RECORD INFORMATION required on potential guardians – Tex. Est. Code § 1104.103.
- E. Documents Containing Required Sensitive Data Which May Be E-Filed –**
1. GUARDIAN OF THE PERSON REPORTS - Tex. Est. Code § 1163.101 and
  2. COURT VISITOR REPORTS - Tex. Est. Code § 1054.104.
- F. Documents Containing Required Sensitive Information To Be Non-Public** - A procedure similar to that set forth in Rule 21c(d) must be followed:
1. the clerk must be notified that the document being filed contains sensitive information, not susceptible to redaction.
  2. Such documents will be made non-public images.
  3. It is the responsibility of the Filer to ensure that all appropriate parties receive copies of such documents.
- G. Retention Requirement** – As with redacted documents, the filing party should retain the originals of the filed document during the pendency of the case and any related appellate proceedings filed within six months of the date the judgment is signed.
- H. Non-Conforming Documents** – The court has the discretion to strike any improperly-filed document containing sensitive information and direct the Filer to file a properly-designated substitute document.

## V. THE FILING PROCESS

### A. Document Format – Rule 21(f)(7)

1. AS MANDATED BY RULES
  - a. Text-searchable portable document format (pdf); (not a scan of a paper document, but a pdf created by word processing or pdf software (e.g.: Adobe Acrobat, Primo pdf);
  - b. Directly converted to pdf rather than scanned, if possible;
  - c. Unlocked; and
  - d. Compliant with the Technology Standards promulgated by the Judicial Committee on Information Technology (JCIT) and approved by the Supreme Court.  
<http://www.courts.state.tx.us/jcit/standards/TechStandardsV1.3.pdf> (Appendix 9), **Rule 21(f)(7)**
2. DOCUMENT FOOTER
  - All documents shall have footers identifying the document with page numbers of that document.

**Examples:**

ORDER ADMITTING WILL TO PROBATE – Page 1 of 2  
PROOF OF DEATH AND OTHER FACTS – Page Solo

3. **ATTORNEY BLOCK**

Notwithstanding Tex. Rules Civ. Proc. 57, every document filed by an attorney, whether signed by an attorney or not, shall have an attorney block showing the filing attorney’s individual name, with his State Bar of Texas identification number, address, telephone number, email address, and if available, fax number.

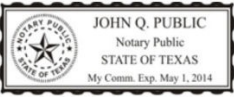
**B. Electronic Signatures, Acknowledgments, Notarization and Verification**

1. **ELECTRONIC SIGNATURES** - An e-filed document is considered signed if the document includes:
  - A. “/S/” and the signer’s name typed in the space where the signature would otherwise appear.  
e.g.: /S/ *John Henry Doe* , unless the document is notarized (see below), or
  - B. an electronic image or scanned image of the signature. **Rule 21(f)(7)**
2. **ACKNOWLEDGMENTS, NOTARIZATION AND VERIFICATION**
  - A. E-filed documents which must be acknowledged, verified, affirmed or sworn involve a combination of different statutes and rules.
  - B. The Texas Uniform Electronic Transactions Act (Tex. Bus. & Comm. Code § 322.011) authorizes an e-acknowledgment or e-notarization which conforms to the requirements of a standard notarization (per Tex. Civ. Prac. & Rem. Code § 121.004) and the seal attached must include all of the required elements of a Texas Notary Seal (per Tex. Govt. Code § 406.013). Thus, like an e-signature, an electronic notarization may be:
    1. a scanned image of a manually-signed acknowledgment, or
    2. a purely electronic notarization:

/S/ Richard Roe

Acknowledged before me by Richard Roe on January 1, 2014.

/S/ John Q. Public  
Notary Public, State of Texas



3. **ELECTRONIC SEALS** - To create an electronic seal (pdf):
  - a. Print the ink seal on a clean sheet of paper.
  - b. Take a digital photo of the seal impression.
  - c. E-mail the photo to yourself.
  - d. Open the photo, crop it down and save it as a pdf image. It can then be cut-and-pasted into the acknowledged document.
4. **UNSWORN DECLARATIONS**
  - A. **General Form:** Tex. Civ. Prac. & Rem. Code § 132.001.
    1. An unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law, except for an oath of office, or an oath required to be taken before a specified official other than a notary public. [or as otherwise required by statute, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit.]
    2. The declaration must be 1) in writing; and 2) subscribed by the person making the declaration as true under penalty of perjury and, except for an unsworn declaration by an inmate (see Tex. Civ. Prac. & Rem. Code § 132.001(e)), must include a jurat in substantially the following form:

My name is \_\_\_\_\_  
(First, Middle, Last)

My address is \_\_\_\_\_  
(Street, City, State, Zip Code, Country)

My date of birth is \_\_\_\_\_.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on \_\_\_\_\_ (Day, Month & Year)

\_\_\_\_\_  
Declarant"

**B. Estates Code Form: Annual Report of Guardian of the Person: Tex. Est. Code § 1163.1011.**

The general form of unsworn declaration may not be used on an Annual Report of the Guardian of the Person. A guardian of the person who chooses to electronically file the Annual Report may use the form substantially as follows:

I, \_\_\_\_\_, the guardian of the person for  
(Name of Guardian of the Person)

\_\_\_\_\_ in \_\_\_\_\_ County, Texas,  
(Name of Ward)

declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_.

**C. Envelopes, Lead (Main) Documents and Supporting Documents (Attachments)**

*Note: The following descriptions apply to the Hill County Clerk's Office.*

1. **THE ENVELOPE**, like a paper envelope, is the vessel in which the documents are placed and transmitted from the Filer's computer to the Clerk's Office via eFileTexas.gov. More than one document may be placed in an envelope. Multiple lead documents and supporting documents may be placed in the same envelope as long as they belong in the same case during the same transaction and do not exceed the maximum allowed file size. Only one envelope may be used for each filing transaction.

2. **A LEAD DOCUMENT** (also sometimes called a Main Document) is generally the first document filed, will receive a file-stamp and will generate a separate entry in the court's docket. Any document to be file-stamped must be filed as a lead document. This will determine how the document will be recorded on the court's docket.

Lead documents are always to be submitted as separate documents and not scanned together. Documents scanned together as one document cannot be separated by the e-filing System. Documents being scanned together may result in the filing being returned for correction and required re-submission.

Examples of Lead Documents:

- |   |  |
|---|--|
| a. Applications (including amendments)  | h. Affidavit of Inability to Pay Costs             |
| b. Petitions (including amendments)     | i. Inventory (and Affidavit in Lieu)               |
| c. Contests/ Counterclaims              | j. Annual & Final Accounts                         |
| d. Answer/Response                      | k. Annual & Final Reports – Guardian of the Person |
| e. Motions/Notices                      | l. Claims (& Memoranda of Acceptance/Rejection)    |
| f. Proposed Orders (subsequent filings) | m. Jury Demand                                     |
| g. Will/ Codicils                       | n. No Fee Documents (see below)                    |

*Note: If more than one Proposed Order is to be submitted, each Proposed Order should be submitted in the same transaction as its respective Motion. The Proposed Orders should be attached as Lead Documents.*

*If only a Proposed Order is e-filed, a cover letter and the Proposed Order should be submitted as Lead Documents.*



*Specific Exceptions:*

1. An Order Creating a Guardianship Management Trust must have the trust instrument as an integral part of the order (treated as one document), not as a supporting document.
2. An Inventory, Appraisement & List of Claims which has the various types of property described on schedules should be filed as one document with the schedules integrated with the lead document.
3. The Attorney Ad Litem's Report in an Heirship Proceeding should have a Distribution Chart as an integral part of the report.

3. A SUPPORTING DOCUMENT (also called an Attachment) is an additional document attached to a lead document, but incidental to the lead document.

Examples of Supporting Documents:

- |  |  |
|--|--|
| a. Case Information Sheet (Initial Filings)    | h. Physician's Certificate of Medical Exam             |
| b. Case Information Sheet – Probate Supplement | i. Determination of Intellectual Disability            |
| c. Cover Letter/Filing Instructions            | j. Waivers (if filed prior to hearing)                 |
| d. Proposed Proofs (Initial Filings)           | k. Exhibits  |
| e. Proposed Orders (Initial Filings)           | l. Discovery Requests attached to a Petition           |
| f. Proposed Oaths (Initial Filings)            | m. Other Requests/Documents relating to initial filing |
| g. Appointment of Resident Agent               |  |

4. "NO FEE" DOCUMENTS are documents for which no specific statute authorizes a filing fee to be charged.

Examples of "No Fee" Documents:

- |  |  |
|--|--|
| a. Affidavit in Lieu of Inventory                    | k. Disclaimer  |
| b. All Waivers and Affidavits                        | l. Discovery   |
| c. Appointment of Resident Agent                     | m. Objection   |
| d. Attorney's Affidavit or Certificate of Compliance | n. Physician's Cert. of Medical Exam - Existing Case |
| e. Citation Request                                  | o. Proposed Oath                                     |
| f. Case Information Sheet                            | p. Proposed Proof                                    |
| g. Case Information Sheet – Probate Supplement       | q. Receipt and Release                               |
| h. Consent to Appointment                            | r. Report of Attorney Ad Litem (Court Two only)      |
| i. Correspondence                                    | s. Report of Sale                                    |
| j. Declination to Serve                              | t. Rule 11 Agreement                                 |

*Note on File Size: eFileTexas.gov recommends that files do not exceed 5MB per document and 25MB per envelope*

**D. Case Codes – Probate/Mental Health** - The Technology Standards specify the following descriptions for Filers to use to describe the type of case being filed. *See Technology Standard v1.3, § 5.4.1.*

1. Dependent Administration
2. Independent Administration
3. Other Estate Proceedings
4. Guardianship – Adult
5. Guardianship – Minor
6. Mental Health
7. Other

**E. Filing Types** - As with Case Codes, the Filing Types were set by the Judicial Committee on Information Technology under Technology Standards v1.3. Filers should select the Filing Type which most closely fits the document title (The Clerk can make corrections).

## 1. NEW CASE FILING TYPES

Affidavit of Indigency  
Application

Petition  
Will/Codicil

## 2. SUBSEQUENT FILING TYPES

Affidavit of Indigency  
Annual Account (before 120 days)  
Annual Account (after 120 days)  
Annual Report (before 120 days)  
Annual Report (after 120 days)  
Answer/Contest/Response  
Application for Removal - Chapter 48  
Application in an Existing Estate  
Application on Sale of Personal Property (before 120 days)  
Application on Sale of Personal Property (after 120 days)  
Application on Sale of Real Property (before 120 days)  
Application on Sale of Real Property (after 120 days)  
Bond (before 120 days)  
Bond (after 120 days) Claim  
Counter Claim  
Final Account (before 120 days)

Final Account (after 120 days)  
Final Report (before 120 days)  
Final Report (after 120 days)  
Inventory  
Inventory - (more than 90 days after pers rep qualifies)  
Jury Demand  
Motion  
No Fee Documents Notice  
Oath (before 120 days)  
Oath (after 120 days)  
Proposed Order  
Request  
Suggestion of Need for Guardian - Sec 683[1102.002/.003]  
Will/Codicil

### F. Cover Letters/Notes to the Clerk

1. NOTES TO THE CLERK – The e-filing interface allows Filers to make notes to the Clerk for various information matters such as redaction or sensitive data information.

2. COVER LETTERS – It is far preferable, and certainly more professional, to include a cover letter to the clerk (as a separate lead document) on law office letterhead, with whatever instructions the Filer wishes to communicate to the clerk or the court. This section applies when requesting citation in an already filed pleading. Cover letters can address matters such as:

a. Issuance of Citations – detailing instructions for service and referencing applicable included fees for copies.

1. Citation Inside County:

*Please issue a personal citation in the above-referenced case for service by the Sheriff or appropriate constable in Hill County to:*

*John Doe  
100 Street Address  
City, State 00000*

2. Citation Outside County:

*Please issue a personal citation in the above-referenced case for service outside of Hill County to:*

*John Doe  
100 Street Address  
City, State 00000*

3. Service of Citation by Private Process Server

*Filed on even date herewith are a Motion and Order for Substituted Service. Please route these to the court for review and approval.*

*Please notify the undersigned by e-mail when the citations may be picked up.*

4. Attachments to Citation (Service Copies):

*Please print and attach to the citation copies of the following:*

*1) Amended Application for Probate of a Copy of a Holographic Will as a Muniment of Title  
and*

*2) Copy of the Will.*

5. Citation – Mailing Instructions

*Please mail the citation and attachments to this law firm at the address above shown, to the attention of \_\_\_\_\_.*

6. Citation: Specific Instructions

*The personal citation to \_\_\_\_\_ must require her to appear and show cause why foreclosure should or should not be permitted.*

- b. Ordering Letters *Please issue four (4) additional Letters Testamentary when the Order Admitting will has been signed.*
- c. Certified Copies *Please prepare certified copies of the following documents from the above-referenced proceeding:*
- 1) *Last Will and Testaments of \_\_\_\_\_*
  - 2) *Order Admitting Will to Probate as a Muniment of Title.*
- d. Fee Directions *I have selected the fees when e-filing to fulfill the fee requirements of two personal citations (total of \$8.00), one personal citation served by constable (total of \$75.00), and one copy fee for a copy of the Application to Foreclose, to be served with the personal citation on \_\_\_\_\_ (total of \$30.00).  
I have not included a second copy fee of \$30.00. Upon receipt of the personal citation to \_\_\_\_\_ by this office, a copy of the Application to Foreclose will be made to be mailed with the personal citation.*
- e. Redaction *Filed on even date herewith are a Motion and Order for Redaction of Sensitive Data. Please route these to the court for review and approval and advise the undersigned \_\_\_\_\_.*
- f. Advice of Sensitive Data  
*The \_\_\_\_\_ filed herewith contains sensitive data as defined by Rule 21c. It should not be viewable electronically by the public and should be made a non-public document.*
- g. Advice of Sensitive Information  
*The Certificate of Medical Examination filed herewith contains sensitive information made confidential by law. It should not be viewable electronically by the public and should be made a non-public document.*

**G. Private Process Servers**

1. A Motion and Order for Service by Private Process is required in every instance. No standing orders.
2. The Clerk should be instructed by Cover Letter regarding issuance of citation for service by the Private Process Server (see above).
3. The Private Process Server may deliver the executed return to the attorney, who may then mail or hand-file the executed return to the clerk.

**H. Effective Time of Filing**

1. WHEN "FILED" - A document is 'filed' when it is tendered to the clerk, or otherwise put under the custody or control of the clerk." Mr. Penguin Tuxedo Rental & Sales, Inc. v. NCR Corp., 787 S.W.2d 371, 372 (Tex. 1990).
2. CONDITIONAL FILING - If a motion or pleading is tendered to the clerk without the filing fee, the motion is "conditionally filed," and when the filing fee is paid, the motion is deemed filed on the day that it was tendered to the clerk for appellate timetable purposes. Jamar v. Patterson, 868 S.W.2d 318, 319 (Tex. 1994), Tate v. E.I. DuPont de Nemours & Co., 934 S.W.2d 83, 84, 40 Tex. Sup. Ct. J. 103 (Tex. 1996).
3. NO REFUSAL TO FILE: - The clerk shall not refuse to accept a pleading for filing (Jamar, *supra*), but may consider it conditionally filed until the filing fee is paid.
4. CONDITIONAL FILING DATE CONTROLS - Except in an emergency or other unusual circumstances, the court should not consider a pleading until the fee is paid, but the conditional filing date controls for appellate purposes. Jamar, *supra*; In re Lewis, 185 S.W.3d 615 (Tex. App. Waco, March 15, 2006, no pet.).

An e-filed document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the filing deadline, subject to 1) the exception for filing on a weekend or legal holiday or 2) if the document requires a motion and order before it can be filed. **Rule 21(f)(5)**

**I. Return of Filed Documents for Correction**

1. RETURN FOR CORRECTION - Even though the clerk cannot refuse to file a document, under Rule

21(f)(11), the clerk may identify the error to be corrected and state a deadline for the party to resubmit the document in a conforming format. Also, under Rule 21c(e), regarding documents containing sensitive data, the clerk may identify the error to be corrected and state a deadline for the party to resubmit a redacted, substitute document.

2. **LIMITED REASONS FOR RETURN** - Since the adoption of the Technology Standards v1.3 on March 21, 2014, a clerk may request a Filer to correct an e-filed document only for the following reasons. The request must state the reason and reference any supporting authority as follows:

<b><u>Category</u></b>	<b><u>Reason</u></b>	<b><u>Authority</u></b>
<b><i>Insufficient Fees</i></b>	Fees submitted are insufficient. Please resubmit your filing with the correct case type/filing type. <i>(provide short summary as to what fees were not included.)</i>	TRCP 99(d) & Gov't Code §§51.317(a), 51.318(b)(7)&(8); Local Gov't Code §§ 118.052, 118.121, or 118.131
<b><i>Insufficient Funds</i></b>	Credit Card was declined. Please resubmit with a valid method of payment.	TRCP 99(d); & Gov't Code §§51.317(a), 51.318(b)(7) & (8);  Local Gov't Code §§ 118.052; 118.121; or 118.131
<b><i>Document Addressed to Wrong Clerk</i></b>	The document is addressed to a court for which this clerk's office does not accept filings. Please correct or re-file with the appropriate clerk's office.	
<b><i>Incorrect/Incomplete Information</i></b>	Please resubmit using the correct <ul style="list-style-type: none"> <li>- Cause number</li> <li>- Case Type</li> <li>- Case Category</li> <li>- Filing Code</li> <li>- Party Names on document(s)</li> </ul>	
<b><i>Incorrect Formatting</i></b>	Please resubmit the document <ul style="list-style-type: none"> <li>- By rotating the document so that the file mark will appear in the upper right corner</li> <li>- In text searchable pdf</li> <li>- Directly converted to pdf if possible</li> <li>- With a 300dpi resolution</li> <li>- With a page size of 8.5"x11"</li> <li>- With no embedded fonts</li> </ul>	TRCP 21 (f)(8)
<b><i>pdf Documents Combined</i></b>	You have submitted multiple documents for filing in a single pdf. The file-mark will only appear on documents submitted as lead documents. Please file all lead documents as separate pdf documents.	
<b><i>Illegible/Unreadable</i></b>	Please resubmit in a format that is legible.	
<b><i>Sensitive Data</i></b>	Please resubmit in five (5) business days with all sensitive data redacted: <ul style="list-style-type: none"> <li>- DL, SSN, Passport Number, Tax ID Number, Government Issued ID Number</li> </ul>	TRCP 21c (a-f)  NOTE:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>- Bank Account Number, Credit Card Number, Financial Account Number</li> <li>- Birth Date, Home Address and name of any person who was a minor when the suit was filed.</li> </ul> | <p>Family Code §§ 102.008 &amp; 105.006 require identification of a child by name and DOB</p> |
|---|---|

*Tex. Rules Civ. Proc. 21f(11); Judicial Committee on Information Technology - Technology Standards v1.3 - March 21, 2014*

4. **EFFECTIVE FILING DATE WHEN RETURNED FOR CORRECTION** - Even though a non-conforming document may be returned for correction, it is still effectively filed when it has been transmitted to the filing party's electronic filing service provider, subject to the exceptions in Rule 21(f)(5).

*Note: Show the Court your receipt and the history of the transaction if there is a question.*

**J. E-Service**

1. **NOTICE TO OTHER PARTIES AND THE COURT** – accomplished by designating the person or entities to receive a copy of the e-filed document.

*Note: The Attorney Ad Litem and Guardian Ad Litem should use e-service to ensure the Guardianship Investigator is kept apprised of the activities of an ad litem in a case.*

2. **COMPLETION OF SERVICE** - E-Service is complete on transmission of the document to serving party's EFSP, therefore the “Mailbox Rule” (adding three days to the notice period) does not apply to E-Service. **Rule 21a(b)(3)**

However, e-filed documents pertaining to hearings scheduled within three days are still subject to the “three-day rule” of **Rule 21(b): Service of Notice of Hearing.** *An application to the court for an order and notice of any hearing thereon, not presented during a hearing or trial, must be served upon all other parties not less than three days before the time specified for the hearing, unless otherwise provided by these rules or shortened by the court.*

*Note: What this means is that, although service of a notice is effective when e-mailed, three days advance notice on other parties is still required before a hearing.*

**K. File the Document**

**EFFECTIVE TIME OF FILING** - A document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party's electronic filing service provider except:

- a. if a document is transmitted on a Saturday, Sunday or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and
- b. if a document requires a motion and an order allowing its filing, it is deemed filed on the date the motion is granted. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from the court. **Rule 21(f)(5)**

**L. Confirmation and Acceptance**

1. **CONFIRMATION** – eFileTexas.com will send an automated filing confirmation by email, both when the portal receives the filing and also when the Clerk's Office accepts the filing. **Rule 21(f)(3)**

2. **ACCEPTANCE** - Once the clerk has accepted the document for filing, the Filer will receive notification by e-mail.

*Note: The notification from the clerk may contain important information in the “comments section” of the notification.*

*Note: If a filing is accepted as conditional filing, citation may issue.*

## VI. SPECIFIC PROCEDURES

### A. Filings by Attorneys Ad Litem and Guardians Ad Litem

1. WAIVER PROVIDED - Attorneys Ad Litem and Guardians Ad Litem appointed in the Probate Court of Hill County are not subject to being charged filing fees by the county clerk. See Tex. Est Code § 1052.051(e); See also Appendix Two: Standing Order on Waiver of Filing Fees of Attorneys Ad Litem and Guardians Ad Litem.

2. WAIVER ACCOUNT STATUS - To ensure waiver of filing fees when e-filing as an ad litem, a “waiver” account must be designated in the “Firm Administration” (or similar) section of the EFSP Account.

#### 3. PARTICULAR SITUATIONS –

##### A. Attorney Ad Litem – Heirship

1. e-File Original Answer (Lead Document)
2. e-File Report (Lead Document with Distribution Chart as integral part)
3. e-File Sworn Statement of Services and Expenses by Attorney Ad Litem in Heirship Determination

##### B. Attorney Ad Litem – Guardianship

1. e-File Original Answer (Lead Document)
2. e-File Report (Court Two Only)
3. e-File Sworn Statement of Services and Expenses by Appointee in Court-Initiated Guardianship or Application for Payment of Fees and Expenses of Ad Litem (“Private Pay or County Pay in Excess of Set Fee”)

##### C. Guardian Ad Litem – Guardianship

1. e-File Entry of Appearance (Lead Document)
2. e-File Report (Lead Document)
3. e-File Sworn Statement of Services and Expenses by Appointee in Court-Initiated Guardianship or Application for Payment of Fees and Expenses of Ad Litem (“Private Pay or County Pay in Excess of Set Fee”)

### B. Filings By Non-Attorneys

#### 1. GUARDIANSHIP INFORMATION LETTERS (Tex. Est. Code Ch. 1102.001)

A. From County Website: Individual with information about a person domiciled or found in the county who is believed to be incapacitated (Tex. Est. Code §1102.001) is referred to the County Website and opens Information Letter (pursuant to Tex. Est. Code § 1102.003). The Individual may then either:

1. print out and manually complete and sign the form (unsworn affirmation or notary acknowledgment) or
2. complete the form on-line, print out and sign the form (unsworn affirmation or notary acknowledgment) and
3. mail the form to the Court or Clerk.

B. From Court Appointed Investigator: Individual contacts the Court with information about a person domiciled or found in the county who is believed to be incapacitated. (Tex. Est. Code §1102.001).

1. Court Investigator mails a paper copy of the Information Letter to the Individual to complete and return;
2. Individual completes and returns the Information Letter either manually or electronically as above and mails the Information Letter to the Court or Clerk.

#### 2. GUARDIAN OF THE PERSON - ANNUAL REPORTS (Tex. Est. Code § 1163.101)

A. The Guardian of the person may print the form from the website, complete it and have the form notarized. The Guardian may file the form manually with the County Clerk..

#### 3. SIMILAR FILINGS - The same procedure may be employed for:

- A. Guardian of the Person - Final Reports (Tex. Est. Code Ch. 1163.101)
- B. Guardian of the Person - Annual Accounts (Tex. Est. Code Ch. 1163.101)
- C. Guardian of the Person - Final Accounts (Tex. Est. Code Ch. 1163.101)

### C. Curative Filings

If the court advises a Filer prior to a hearing that additional documents will be required which have not been previously filed (e.g. waivers, appointment of resident agent, etc.), these must be e-filed. This should be done far enough in advance for the documents to make it into the court's system for the hearing.

*Note: This will sometimes make the difference (as in the case of an Appointment of Resident Agent) of whether the Applicant is statutorily disqualified or not.*

### D. Submission of Unredacted Audit Materials Upon Request of Auditor

1. The e-filing rules require:
  - a. complete redaction of identifying information on financial accounts and
  - b. retention of the unredacted original filed document. (**Rule 21c(c)**)
2. Upon request of the Court, when it is necessary for the Court to review inventories, accountings and other filings containing sensitive data, the Filer will deliver to the auditor, in electronic form, a complete and *unredacted* copy of the filed documents and necessary back-up documents as required by the Court to ensure compliance with the requirements of the Texas Estates Code.

### E. Setting Procedures, Hearing Procedures and Vacation Notices

1. **SETTING REQUESTS**                      **Form: Appendix Four**
  - A. Request a setting by e-mail to the Court Coordinator, specifying:
    1. Regarding the Hearing:
      - a. style and number of the proceeding,
      - b. date, time, and duration of hearing,
      - c. type of hearing requested,
      - d. other attorneys involved,
      - e. whether a court reporter will be required,
      - f. whether a language or hearing interpreter will be required,
      - g. any other accommodations (disability, etc.), and
      - h. (in a guardianship) that the Court Investigator has audited the case file and approved the case for setting.
    2. Regarding the Requestor, all information required to be provided by Tex. Rules Civ. Proc. 57.
  - B. Confirm the requested setting by e-mail to:
    1. a. Hill County Court:    [PSvacina@co.hill.tx.us](mailto:PSvacina@co.hill.tx.us)
    2. Include in the Subject line:
      - a. the name of the Decedent or Ward and
      - b. the Cause Number.
  - C. Notify - It is the responsibility of the Party requesting the setting to notify all other necessary parties (including their own clients, counsel for opposing parties, ad litem and self-represented individuals).
2. COURT REPORTERS AND INTERPRETERS are provided on a contract basis. Parties who request contract services and who fail to appear or untimely cancel the hearing may be taxed with the costs of the contract services.
3. CANCELLATIONS OF HEARINGS should be made no later than twenty-four (24) hours in advance.

*Note: Notifying the County Clerk's office of a cancellation of a hearing or e-filing a letter or other pleading referencing a settlement or cancellation of a hearing without e-service on the court is NO notice to the court. Failure to notify the Court of cancelled hearings may result in the cancelling party being taxed with any costs incurred by the county.*





12. e-FILE NOTICES TO CREDITORS
  - Copies of Notices or Affidavits Required by Statute (e-affirmation or scanned)
  - Publisher's Affidavit (e-affirmation or scanned)
13. e-FILE INVENTORY, APPRAISEMENT & LIST OF CLAIMS (Lead Document) (e-affirmation or scanned) (or)
  - e-FILE AFFIDAVIT IN LIEU ON INVENTORY (Lead Document) (e-affirmation or scanned)

**B. Probate of Will as a Muniment of Title**

1. DRAFT PLEADINGS, ELECTRONICALLY SIGN
2. PREPARE DIGITAL COPY OF WILL (see above for comment re handling of original will)
3. e-FILE
  - A. Application to Probate Will as a Muniment of Title (Lead Document)
    1. Cover Letter/Filing Instructions (Supporting Document)
      - Request issuance of citation
      - Order/Pre-Pay for additional copies of Proof of Death, Order and Oath (additional fee required)
      - Order/Pre-Pay for certified copies of the Order
      - Arrange to pick up or have documents mailed
      - Other requests
    2. Case Information Sheet (Supporting Document)
    3. Case Information Sheet - Probate Supplement (Supporting Document)
    4. Other documents relating to initial filing
  - B. Last Will & Testament/ Codicil(s) (as separate Lead Document(s))
4. DELIVER ORIGINAL WILL TO CLERK WITHIN THREE BUSINESS DAYS
5. REQUEST SETTING: e-Mail Request to Court Coordinator (*see page 17 above*)
  - A. Hill County Court: [PSvacina@co.hill.tx.us](mailto:PSvacina@co.hill.tx.us)
6. COMPLETE HEARING DOCUMENTS (*blanks filled in*):
  - Proposed Proof of Death and Other Facts
  - Proposed Order Admitting Will
7. e-FILE COMPLETED HEARING DOCUMENTS (as Lead Documents) three (3) days in advance of hearing date
8. ATTEND AND PARTICIPATE IN HEARING: Execute Proof of Death and Other Facts
9. PICK UP COPIES/CERTIFIED COPIES

**C. Court-Created Independent Administration - Testate Estate - Tex. Est. Code 401.002**

1. DRAFT PLEADINGS, ELECTRONICALLY SIGN
2. PREPARE DIGITAL COPY OF WILL (see above for comment re handling of original will)
3. e-FILE
  - A. Application to Probate Will and for Issuance of Letters Testamentary (or Letters of Independent Administration with Will Annexed) (Lead Document)
    1. Cover Letter/Filing Instructions (Supporting Document)
      - Request issuance of citation
      - Order/Pre-Pay for additional copies of Proof of Death, Order and Oath (additional fee required)
      - Order/Pre-Pay for additional Letters Testamentary, etc. (additional fee required)
      - Order/Pre-Pay for certified copies of the Order

- Arrange to pick up or have documents mailed
- Other requests
- 2. Case Information Sheet (Supporting Document)
- 3. Case Information Sheet - Probate Supplement (Supporting Document)
- 4. Executed Waiver(s) of Citation and Entry of Appearance, Joinder in Application, Agreement as to Independent Administration, Designation of Independent Administrator and Request for Independent Administration from each Distributee/Heir (Supporting Document)  
*Note: Unless the Application for Independent Administration is verified, the Applicant must also file a Waiver, etc. See Page 7 above regarding e-verifications.*
- 5. Appointment of Resident Agent/Waivers (as applicable) (Supporting Document)
- 6. Other documents relating to initial filing
- B. Last Will & Testament/ Codicil(s) (as separate Lead Document(s))

4. DELIVER ORIGINAL WILL TO CLERK WITHIN THREE BUSINESS DAYS

5. REQUEST SETTING: e-Mail Request to Court Coordinator (*see page 17 above*)

- A. Hill County Court: [PSvacina@co.hill.tx.us](mailto:PSvacina@co.hill.tx.us)

6. COMPLETE HEARING DOCUMENTS (*blanks filled in*):

- Proposed Proof of Death and Other Facts
- Proposed Order Admitting Will and Granting Letters Testamentary (or Letters of Independent Administration with Will Annexed)
- Proposed Oath

7. e-FILE COMPLETED HEARING DOCUMENTS (as Lead Documents) three (3) days in advance of hearing date

8. ATTEND AND PARTICIPATE IN HEARING: Execute Proof of Death and Oath (if no bond required)

9. HAND-FILE ORIGINAL OF EXECUTED BOND (if required) (e-file executed Oath (Lead Document) or hand-file with original of executed bond)

10. PICK UP LETTERS/ COPIES/ CERTIFIED COPIES

11. e-FILE NOTICES per Tex. Est. Code Ch. 308

- Affidavit or Certificate (Lead Document)
- Cover Letter (Supporting Document)

12. NOTICE TO CREDITORS

- Copies of Notices or Affidavits Required by Statute (e-affirmation or scanned)
- Publisher's Affidavit (e-affirmation or scanned)

13. e-FILE INVENTORY, APPRAISEMENT & LIST OF CLAIMS (Lead Document) (e- affirmation or scanned) (or)

e-FILE AFFIDAVIT IN LIEU (Lead Document) (e-affirmation or scanned)

**D. Court-Created Independent Administration - Intestate Estate - Tex. Est. Code 401.003**

1. DRAFT PLEADINGS, ELECTRONICALLY SIGN

2. e-FILE

A. Application for Determination of Heirship, Creation of Independent Administration and Issuance of Letters of Independent Administration (Lead Document)

1. Cover Letter/Filing Instructions (Supporting Document)

- Request issuance of citation
- Order/Pre-Pay for additional copies of Proof of Death, Order and Oath (additional fee required)

- Order/Pre-Pay for additional Letters if Independent Administration (additional fee required)
  - Order/Pre-Pay for certified copies of the Order
  - Arrange to pick up or have documents mailed
  - Other requests
2. Case Information Sheet (Supporting Document)
  3. Case Information Sheet - Probate Supplement (Supporting Document)
  4. Executed Waiver(s) of Citation and Entry of Appearance, Joinder in Application, Agreement as to Independent Administration, Designation of Independent Administrator and Request for Independent Administration from each Distributee/Heir (Supporting Document)  
*Note: Unless the Application for Independent Administration is verified, the Applicant must also file a Waiver, etc. See Page 7 above regarding e-verifications.*
  5. Appointment of Resident Agent/Waivers (as applicable) (Supporting Document)
  6. Other documents relating to initial filing
4. MAIL, HAND DELIVER OR CERTIFIED PAYMENT OF ATTORNEY AD LITEM DEPOSIT: \$400.00
  5. REQUEST SETTING: e-Mail Request to Court Coordinator (*see page 17 above*)
    - A. Hill County Court: [PSvacina@co.hill.tx.us](mailto:PSvacina@co.hill.tx.us)
    - B. e-Serve Attorney Ad Litem
  6. COMPLETE HEARING DOCUMENTS (*blanks filled in*):
    - Proposed Proof of Death and Other Facts
    - Proposed Proof of Heirship Facts by Applicant or Interested Witness
    - Proposed Proof of Heirship Facts by Disinterested Witness
    - Proposed Order Determining Heirship and Granting Independent Administration
    - Proposed Oath
  7. e-FILE COMPLETED HEARING DOCUMENTS (as Lead Documents) three (3) days in advance of hearing date  
e-SERVE ATTORNEY AD LITEM with copies
  8. e-FILE AFFIDAVIT OF NOTICE BY APPLICANT IN PROCEEDING TO DETERMINE HEIRSHIP (Lead document)
  9. ATTEND AND PARTICIPATE IN HEARING: Execute Proof of Death and Proofs of Heirship Facts and Oath (if no bond required)
  10. HAND-FILE ORIGINAL OF EXECUTED BOND (if required) (e-file executed Oath (Lead Document) or hand-file with original of executed bond)
  11. PICK UP LETTERS/ COPIES/ CERTIFIED COPIES
  12. e-FILE NOTICE TO CREDITORS
    - Copies of Notices or Affidavits Required by Statute (e-affirmation or scanned)
    - Publisher's Affidavit (e-affirmation or scanned)
  13. e-FILE INVENTORY, APPRAISEMENT & LIST OF CLAIMS (Lead Document) (e-affirmation or scanned) (or)  
e-FILE AFFIDAVIT IN LIEU (Lead Document) (e-affirmation or scanned)

**E. Application for Letters of Administration (Dependent Administration)**

1. DRAFT PLEADINGS, ELECTRONICALLY SIGN
2. e-FILE
  - A. Application for Letters of Administration (Lead Document)

- B. Cover Letter/Filing Instructions (Supporting Document)
  - Request issuance of citation
  - Order/Pre-Pay for additional copies of Proof of Death, Order and Oath (additional fee required)
  - Order/Pre-Pay for additional Letters of Administration (additional fee required)
  - Order/Pre-Pay for certified copies of the Order
  - Arrange to pick up or have documents mailed
  - Other requests
- C. Case Information Sheet (Supporting Document)
- D. Case Information Sheet - Probate Supplement (Supporting Document)
- E. Appointment of Resident Agent/Waivers (as applicable) (Supporting Document)
- F. Other documents relating to initial filing

- 3. REQUEST SETTING: e-Mail Request to Court Coordinator (*see page 17 above*)
  - A. Hill County Court: [PSvacina@co.hill.tx.us](mailto:PSvacina@co.hill.tx.us)

4. COMPLETE HEARING DOCUMENTS (**blanks filled in**):

- Proposed Proof of Death and Other Facts
- Proposed Granting Letters of Administration
- Proposed Oath

- 5. e-FILE COMPLETED HEARING DOCUMENTS (as Lead Documents) three (3) days in advance of hearing date

- 6. ATTEND AND PARTICIPATE IN HEARING: Execute Proof of Death and Other Facts.

- 7. HAND-FILE ORIGINAL OF EXECUTED BOND (if required) (e-file executed Oath (Lead Document) or hand-file with original of executed bond)

8. PICK UP LETTERS/ COPIES/ CERTIFIED COPIES

9. e-FILE NOTICE TO CREDITORS

- Copies of Notices or Affidavits Required by Statute (e-affirmation or scanned)
- Publisher's Affidavit (e-affirmation or scanned)

- 10. e-FILE INVENTORY, APPRAISEMENT & LIST OF CLAIMS (Lead Document) (e-affirmation or scanned) (or)  
e-FILE AFFIDAVIT IN LIEU (Lead Document) (e-affirmation or scanned)

11. ADMINISTRATION FOLLOWS

**F. Application to Determine Heirship**

- 1. DRAFT PLEADINGS, ELECTRONICALLY SIGN. *See Page 7 above regarding e-verifications.*

2. e-FILE

Application for Determination of Heirship (Lead Document)

A. Cover Letter/Filing Instructions (Supporting Document)

- Request issuance of citation
- Order/Pre-Pay for additional copies of Proofs of Death and Oath (additional fee required)
- Order/Pre-Pay for certified copies of the Order
- Arrange to pick up or have documents mailed
- Other requests

B. Case Information Sheet (Supporting Document)

C. Case Information Sheet - Probate Supplement (Supporting Document)

D. Other documents relating to initial filing

3. MAIL, HAND DELIVER OR CERTIFIED PAYMENT OF ATTORNEY AD LITEM DEPOSIT: \$400.00
4. REQUEST SETTING: e-Mail Request to Court Coordinator (*see page 17 above*)
  - A. Hill County Court: [PSvacina@co.hill.tx.us](mailto:PSvacina@co.hill.tx.us)
  - B. e-Serve Attorney Ad Litem
5. COMPLETE HEARING DOCUMENTS (*blanks filled in*):
  - Proposed Proof of Heirship Facts (2)
  - Proposed Order Determining Heirship
6. e-FILE COMPLETED HEARING DOCUMENTS (as Lead Documents) three (3) days in advance of hearing date  
e-SERVE ATTORNEY AD LITEM with copies
7. SERVE REQUIRED NOTICES per Tex. Est. Code Ch. 202
8. e-FILE AFFIDAVIT OF NOTICE BY APPLICANT IN PROCEEDING TO DETERMINE HEIRSHIP (Lead document)
9. ATTEND AND PARTICIPATE IN HEARING: Execute Proofs of Heirship Facts
10. PICK UP COPIES/ CERTIFIED COPIES

**G. Application for Letters of Guardianship**

1. DRAFT PLEADINGS, ELECTRONICALLY SIGN
2. e-FILE
  - Application for Guardianship (Lead Document)
    1. Cover Letter/Filing Instructions (Supporting Document)
      - Request issuance of citation
      - Order/Pre-Pay for additional copies of Proof of Guardianship Facts, Order and Oath (additional fee required)
      - Order/Pre-Pay for additional Letters of Guardianship, etc. (additional fee required)
      - Order/Pre-Pay for certified copies of the Order
      - Arrange to pick up or have documents mailed
      - Other requests
    2. Case Information Sheet (Supporting Document)
    3. Case Information Sheet - Probate Supplement (Supporting Document)
    4. Appointment of Resident Agent/Waivers (as applicable) (Supporting Document)
    5. Certificate of Medical Examination or Determination of Intellectual Disability (Supporting Document, but if e-filed later, as Lead Document)
    6. Other documents relating to initial filing (e.g. Affidavit of Inability)(Supporting Documents)
3. MAIL, HAND DELIVER OR CERTIFIED PAYMENT OF ATTORNEY AD LITEM DEPOSIT: \$500.00
4. REQUEST SETTING: e-Mail Request to Court Coordinator (*see page 17 above*)
  - A. Hill County Court: [PSvacina@co.hill.tx.us](mailto:PSvacina@co.hill.tx.us)
5. COMPLETE HEARING DOCUMENTS (*blanks filled in*):
  - Proposed Proof of Guardianship Facts
  - Proposed Order Appointing Guardian and Authorizing Issuance of Letters of Guardianship
  - Proposed Oath
6. e-FILE COMPLETED HEARING DOCUMENTS (as Lead Documents) three (3) days in advance of

hearing date  
e-SERVE AD LITEM(s) with copies

7. e-SERVE REQUIRED NOTICES per Tex. Est. Code § 1051.104;
8. e-FILE AFFIDAVIT OF SERVICE OF NOTICE (Lead document)
9. ATTEND AND PARTICIPATE IN HEARING; Execute Proof of Guardianship Facts
10. HAND-FILE ORIGINAL OF EXECUTED BOND (e-file executed Oath (Lead Document) or hand-file with original of executed bond)
11. PICK UP LETTERS/ COPIES/ CERTIFIED COPIES
12. ADMINISTRATION FOLLOWS

**Appendix One**

IN RE: ALL PROCEEDINGS PENDING OR § IN County COURT  
TO BE FILED IN THE PROBATE COURT §  
OF Hill COUNTY, TEXAS § OF  
FROM AND AFTER THIS DATE § Hill COUNTY, TEXAS

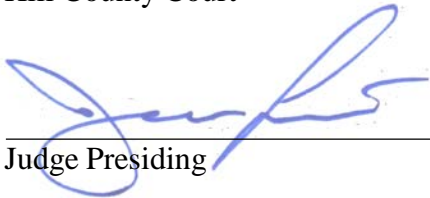
UNIFORM STANDING ORDER ON COURT RULES FOR E-FILING

Pursuant to the provisions of TEX. RULES CIV. PROC. 21, as amended, the courts hereby promulgate the attached standing orders regarding Court Rules for E-Filing in the Hill County Probate Court.

This order is effective as of the date it is entered.

Signed this 18th day of February 2016

Hill County Court

  
\_\_\_\_\_  
Judge Presiding

**Appendix Two**

IN RE: ALL PROCEEDINGS PENDING OR § IN County COURT  
TO BE FILED IN THE PROBATE COURT §  
OF Hill COUNTY, TEXAS § OF  
FROM AND AFTER THIS DATE § Hill COUNTY, TEXAS

UNIFORM STANDING ORDER ON WAIVER OF FILING FEES  
OF ATTORNEYS AD LITEM AND GUARDIANS AD LITEM

On this date, the undersigned, acting *sua sponte*, find and hold as follows:

1. Tex. Est. Code § 1052.051(e) provides for a waiver of any filing fees by an Attorney Ad Litem or Guardian Ad Litem in a guardianship proceeding brought under the Texas Estates Code;
2. It is the policy of this court that the appointed ad litem not be required to incur or pay filing fees in their service as ad litem in proceedings in addition to guardianship proceedings;

IT IS HEREBY ORDERED that any filing fees or deposits otherwise required of persons filing documents in the office of the county clerk of this county in all proceedings before this court be, and they are hereby, waived for filings by Attorneys Ad Litem and Guardians Ad Litem appointed by this court.

This order is effective as of the date it is entered.

Signed this 18<sup>th</sup> day of February 2016

Hill County Court

  
\_\_\_\_\_  
Judge Presiding



**Appendix Three**

NO. \_\_\_\_\_

ESTATE OF

§  
§  
§  
§  
§

COUNTY COURT

\_\_\_\_\_

OF

DECEASED

HILL COUNTY, TEXAS

**MOTION TO REDACT SOCIAL SECURITY NUMBERS**

To The Honorable Judge of Said Court:

Now comes, \_\_\_\_\_, applicant for probate of the Last Will and Testament of \_\_\_\_\_ (“Decedent”) and Movant herein, and would show the court as follows:

1. An Application for Probate of Will and for Issuance of Letters Testamentary and the Will of Decedent are being filed concurrently herewith;
2. This Court has jurisdiction and venue of the Estate of the Decedent;
3. The Will contains the full Social Security numbers of \_\_\_\_\_ which are located at the following locations: (identify by page and paragraph) and as shown on the redacted copy submitted along with the original application for probate;
4. Pursuant to the Standing Orders of this Court, such information is sensitive and subject to redaction upon motion and order.

Movant, therefore, prays that the Social Security numbers contained in the Last Will and Testament of Decedent be redacted by obliterating all but the last three digits of such numbers contained in the will and that the Clerk of this court be directed to redact all such information maintained in the clerk's official public records, including electronically stored information maintained by or under the control of the clerk.

Signed \_\_\_\_\_

Respectfully Submitted

\_\_\_\_\_  
(Attorney Block)

NO. \_\_\_\_\_

ESTATE OF

§  
§  
§  
§  
§

COUNTY COURT

OF

\_\_\_\_\_  
DECEASED

HILL COUNTY, TEXAS

**ORDER GRANTING MOTION TO REDACT SOCIAL SECURITY NUMBERS**

On this day, the Court considered the Motion to Redact Social Security Numbers filed herein by \_\_\_\_\_, Applicant and Movant herein, and the Court, after having considered the motion, the pleadings on file and the applicable law and having heard the evidence and arguments of counsel, is of the opinion and finds that good cause has been shown for the granting of such motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Social Security numbers contained in the Last Will and Testament of \_\_\_\_\_ shall be redacted by obliterating all but the last three digits of such numbers contained in the will;

IT IS FURTHER ORDERED that the Clerk of this court is directed to redact all such information maintained in the clerk's official public records, including electronically stored information maintained by or under the control of the clerk.

Signed \_\_\_\_\_

\_\_\_\_\_  
JUDGE PRESIDING

## Appendix Four

## Setting Request

From: H. Louis Dewey [hugheylouiedewey@pmail.com]  
Sent: Friday, January 24, 2016 4:23 PM  
To: Paula Svacina  
Cc: Marge Inovera; Atticus Finch, Esq.  
Subject: Re: Setting Confirmation: # No. XXXXXXXX; Guardianship of Natalie Attired

This is to confirm the above-referenced matter is set for hearing on the Application for Letters of Guardianship on Monday, April 1, 2016 at 3:00 p.m.

By copy of this e-mail, all counsel of record and pro se parties, if any, are being notified of this hearing.

Please let me know if you have any questions. Thank you for your assistance in this matter.

Sincerely,

H. Louis Dewey  
Dewey, Cheatham & Howe  
(817) 000-0000 fax: (817) 000-0000  
[hugheylouiedewey@pmail.com]

---

From: Paula Svacina  
Sent: Friday, January 24, 2016 4:15 PM  
To: H. Louis Dewey  
Subject: Settting Confirmation: # No. XXXXXXXX; Guardianship of Natalie Attired

I have Monday, April 1, 2016 at 3:00 p.m. available for a hearing on letters of guardianship.

Paula Svacina, Coordinator,  
Hill County Court

## Appendix Five

## Vacation Notice

From: H. Louis Dewey [hugheylouedewey@gmail.com]  
Sent: Friday, January 24, 2016 4:23 PM  
To: [PSvacina@co.hill.tx.us](mailto:PSvacina@co.hill.tx.us); (court coordinator e-mail)  
Subject: Vacation Letter Estate of John Jones No. XXXXXXX

In accordance with the State Bar Rules, Lawyer's Creed and the respective local rules, please be advised that I will be on vacation on the following dates:

February 17th-19th, 2016  
March 6th-17th, 2016  
June 5, 2016

Please do not set any hearings, trials, depositions, other court appearances or forward any discovery requiring a response during this time period.

By copy of this e-mail, all counsel of record and pro se parties, if any, are being notified of this hearing.

Thank you for your consideration.

Sincerely,

H. Louis Dewey  
Dewey, Cheatham & Howe  
(817) 000-0000 fax: (817) 000-0000  
[hugheylouedewey@gmail.com]