

BEXAR COUNTY PROBATE COURT NO. 2

Judge Veronica Vasquez
Bexar County Courthouse, Room 123
100 Dolorosa
San Antonio, Texas 78205



December 1, 2023

HEIRSHIP & ADMINISTRATION CHECKLIST

Procedures: The *Attorney of Record* is responsible for completing the checklist and ensuring *All* required documents are filed prior to setting. If this matter is uncontested, please use the Probate Court No.2 Online Scheduling Portal to set up your matter. The completed checklist and Death Certificate will be uploaded to the portal. FIAT is required, please download the template located on PC2 Website.

Please cross through actions that do not apply.

Note: This court uses the following explanation of “disinterested witness” for purposes of determining heirs: A disinterested individual is a person who has no interest in the estate or in the outcome of the proceeding and the witness must be familiar with the decedent’s family history. In the event a disinterested witness is simply not available, please state the circumstances.

Case No. _____ Estate of _____

Checklist for Heirship

- ☐ Sworn Heirship Application in compliance with 202.007.
- ☐ Citation by Publication Completed (review to ensure no errors)
 - ☐ Publisher’s Affidavit filed – contact the County Clerk for questions or corrections.
Name of the Newsletter Used: _____
 - ☐ OCA Affidavit filed – check your case at: <https://www.txcourts.gov/judicial-data/citation-by-publication/> - contact the County Clerk for questions.
- ☐ Motion and Order to Appoint Attorney Ad Litem.
- ☐ Sworn Waivers (16 years of age or older; if 16 years of age or younger, parent, etc. may waive) or Qualified Delivery proof from all known or ascertainable distributees 12 years of age or older. See Tex. Estates Code §§ 202.051, 202.052 and 202.056
____ Proof of Service. ____ Waivers on file
- ☐ Affidavit of Service of Citation in compliance with Tex. Estates Code § 202.057, **mandatory** for jurisdiction and must be filed prior to hearing.
E-filed on _____ (Provide Date).
- ☐ Disinterested Witnesses notified and present to testify at the hearing.
Name 1st Witness: _____
Name 2nd Witness: _____
____ If any disinterested witness *cannot* testify in person, the witness may testify by deposition on written questions pursuant to Tex. Estates Code § 51.203
Sworn witness testimony reduced to writing *after* hearing and e-filed – mandatory.
- ☐ E-file Unsigned Witness Testimony before setting a hearing. (e.g. affidavits of heirship, statement of facts)
E-filed on _____ (Provide Date).

- ☐ E-file Unsigned Proof of Death before setting a hearing.
E-filed on _____ (Provide Date).
 - ☐ E-file the Proposed Judgment Declaring Heirship Order before setting a hearing. (this generally is separate from the Order of Administration.) **Order Must Include the Following:**
 - ___ Use fractional interests, not decimals for shares. Include all forms of property – real, personal, separate, and community in chart form.
 - ___ Verify distribution shares are correct based on the chart published on the PC2 website.
 - ___ Attorney ad Litem fee (if approved, otherwise state under separate cover)
 - ___ Discharge Attorney ad Litem
- E-filed on _____ (Provide Date).*

Ad Litem Is Responsible

The Attorney of Record is responsible for following up with the Attorney Ad Litem to confirm the following items have been efile before setting a hearing.

- ☐ Name of Appointed Attorney Ad Litem: _____
- ☐ Answer of Attorney Ad Litem
- ☐ Report of Attorney Ad Litem
- ☐ Ad Litem Pink Sheet Filed (required for data collection by OCA). Ad Litem's fees and expenses over \$1,000 must include an attorney's *billing affidavit* and *itemized timekeeping*.
- ☐ Confirmed Hearing Availability

Checklist for Administration

- ☐ Application filed.
- ☐ Posted Notice and the return is on file.
- ☐ Sworn Consent to Independent Administration from all distributees established through the judgment of heirship (no independent if minors are involved)
 - ___ Bond waived ___ Right to Sell Real Property
- ☐ E-file Unsigned Proof of Death (only one if simultaneous with heirship proceeding).
E-filed on _____ (Provide Date).
- ☐ E-file Unsigned Oath stating Independent or Dependent with Bond.
E-filed on _____ (Provide Date).
- ☐ E-file the Proposed Order establishing either Independent or Dependent Administration with bond, e-filed for review prior to hearing. Enumerate powers if necessary for dependent administration.
E-filed on _____ (Provide Date).
- ☐ Provide your client with a copy of "A Guide for the Texas Independent Administrator" or "Court Instructions for Dependent Administrator" (Forms are located on the PC2 Website)

Attorney Verification

I, _____ confirm that all required documents for the hearing I am requesting in Cause No. _____ -PC2- _____ are correct and have been e-filed and accepted by the Bexar County Probate Clerk's office.

Signed: _____ Date: _____

Additional Information

The court will appoint an attorney ad litem once the Citation by Publication is properly completed and is in the court's Odyssey system. A courtesy copy of the signed order will be emailed directly to the ad litem and the attorney listed on the Motion to Appoint Attorney Ad Litem. Please follow TEC Rule 202.009, do not include incapacitated persons under 202.009(b) if not applicable.

If you have questions about citations, please contact the Bexar County Probate Clerk's Office at (210)335-2241 for further assistance. For questions about appointments, please contact Administrative Assistant, Silvia Alvarez at silvia.alvarez@bexar.org.