

# BEXAR COUNTY PROBATE COURT NO. 2

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



December 1, 2023

## PROBATING ORIGINAL WILL CHECKLIST: SELF-PROVED, NOT SELF-PROVED, AND AS MUNIMENT OF TITLE

**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. Please note a FIAT **or** Notice of Court Proceeding might be required, please download the appropriate template located on the 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 Probating a Will

- ☐ Application: Texas Estates Code §256.052
  - Title of Application must reflect what you are probating, e.g. Application to Probate Original Will, 1<sup>st</sup> and 2<sup>nd</sup> Codicil; Probate Original Will Annexed; Application to Probate Will as Muniment of Title; ...Prayer must reflect the same.
  - Provide name of executor(s) and decedent as stated in the Will, also provide a/k/a, f/k/a, etc. if applicable
  - If named Independent Executor is unwilling to serve or is unavailable, the cause of the ineligibility must be plead in the Application and Proof. Submit a sworn Declination or Renunciation of Right to Serve for the named Executor and any Alternate Executors when possible. Need some proof if predeceased or not capable.
- ☐ Deliver Will to Probate Clerk’s Office within 3 business days. TEC §252.201.
- ☐ Citation issued by the Clerk, 10 day posting, and returned before hearing.
- ☐ Holographic Will (Will is wholly in Decedent’s handwriting). TEC §256.154
- ☐ If Will is not self-proved: Texas Estates Code 256.153 or 256.154.
  - One of the subscribing witnesses must prove by sworn testimony in open court and by Affidavit
  - If subscribing witness is unavailable, prove Will by sworn testimony of 2 disinterested witnesses in open court to the signature and/or handwriting OR
  - May do deposition by written questions as to signature and/or handwriting if witnesses are not available.

- ☐ Proof of Death:
  - If not self-proved, add there is proof by subscribing witness to Will or witnesses to the handwriting of a subscribing witness or the testator.
  - Include language if Holographic Will.
  - For Muniment of Title include Medicaid language and no debts owed.
- ☐ Title of Order reflects what you are probating: Order Probating Holographic Will; Order Probating Will as Muniment of Title, etc.
- ☐ E-file unsigned Affidavit for subscribing witness or witness for signature (if not self-proved and holographic) prior to setting a hearing.  
*E-filed on \_\_\_\_\_ (Provide Date).* Live testimony is required.
- ☐ E-file unsigned Proof of Death for review before setting a hearing.  
*E-filed on \_\_\_\_\_ (Provide Date).*
- ☐ E-file unsigned Oath before setting a hearing.  
*E-filed on \_\_\_\_\_ (Provide Date).*
- ☐ E-file the Proposed Order as a separate lead document for review and approval before setting a hearing. Order must refer to probating a Copy of a Will, testimony taken, etc.  
*E-filed on \_\_\_\_\_ (Provide Date).*

### 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: \_\_\_\_\_