

THE PROCESS:

You will need to file a Civil Case Information Sheet, Application and the original Will. The Will becomes a permanent part of the Clerk's records and will not be returned. After filing the Application, the clerk will provide you with the Cause Number, Receipt, Court Date, and any phone numbers.

Probate hearings usually take place in the County Courtroom. The Judge will either Grant or Deny the Probate Application after sworn testimony

After leaving the courtroom, you will return to the clerk's office (bottom floor). Once you have completed the appropriate documents, you will be issued Letters Testamentary or Certified copies of the Will and Order.

FILING FEES:

As of January 1, 2010, the filing fees are:

Muniment of Title	\$276
Letters Testamentary	\$276
Administration	\$276
Small Estate	\$208
Declaration of Heirship	\$276

If an Inventory is required (Letters Testamentary and Administration), there is a \$27 late fee if it is not filed after the 90th day from the date the personal representative has qualified to serve or, if the courts grant and extension under sec 250, TPC, after the date of the extended deadline specified by the court.

Copies are \$1.00 per page. Certified copies are \$1.00 per page plus \$5.00 per document.

Letters Testamentary or Administration are \$2.00 each.

Fee information can also be found at the Chambers County website: www.co.chambers.tx.us or you may contact the Probate Dept. at 409-267-2422

FREQUENTLY ASKED QUESTIONS ABOUT PROBATING AN ESTATE:

Is it necessary to probate an estate and how long do I have to probate?

If there are assets such as real estate, stocks and bonds, bank accounts, etc., that must be distributed, it is usually required that an estate is probated. The estate should be probated within four years of the date of death.

Do I need an attorney?

The law does not require that an attorney be involved. However, a pro se (self-represented) may not represent others. Under Texas law, only a licensed attorney may represent the interests of third-party individuals or entities, including guardianship wards and probate estates. Individuals applying for letters testamentary, letters of administration, determinations of heriship, and guardianships of the person or estate **must** be represented by a licensed attorney.

Muniment of Title:

Basic Forms needed:

- *Application for Probate of Will as a Muniment of Title
- *Proof of Death and Other Facts
- *Order Admitting Will to Probate as a Muniment of Title
- *Affidavit Regarding fulfillment of Will Admitted to Probate as a Muniment of Title (this may not be required if the judge waives the affidavit)
- *A Muniment of Title **does not** appoint an executor of the will and there can be no claims against the estate other than real estate liens.
- *After the judge signed the Order, the clerk may issue certified copies of the Will and Order which gives the Applicant authority to disperse the estate per the requests of the will. If the certified copy of the will and order are recorded in the County Clerk's office. This creates a paper trail for the sale and purchase of real estate.
- *Sworn affidavit of no debts.
- *Other forms may be required.

Letters Testamentary:

Basic Forms needed:

- *Application for Probate of Will and Issuance of Letters Testamentary
- *Proof of Death and Other Facts
- *Order Admitting Will to Probate and Authorizing Letters Testamentary
- *Oath
- *Inventory, Appraisement and List of Claims (and Order Approving Inventory and Appraisement)
- *When an estate is probated under this type of application, and Letters Testamentary are issued, the Court gives authority to the person appointed as Executor to distribute the estate per the wishes of the deceased as set out in the will. The Executor is issued Letters Testamentary which can then be given to banks, mortgage companies, stock brokers, etc., in order to take care of the business of the estate. The Letters are valid for 60 days and can be issued at any time unless the estate has been closed by the executor.
- *Other forms may be required.

Administration:

Basic Forms needed:

- *It is suggested that the Applicant seek the advice of an attorney if an estate is to be probated as an Administration.