

Cause No. _____

In Re: THE ESTATE OF _____,
DECEASED

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IN THE PROBATE COURT
OF
DENTON COUNTY, TEXAS

HEARING REQUEST FORM
UNCONTESTED TESTATE ESTATE - EST §401.002
INDEPENDENT ADMINISTRATION BY AGREEMENT

To obtain a setting, complete the appropriate Hearing Request Form and email it to hearingrequest@dentoncounty.gov. A hearing will not be set until all boxes have been checked or marked as not applicable. The Probate Staff will review the file to make sure all necessary steps have been completed. If a step has not been completed, you will receive an email from the Probate Staff. Once the Probate Staff has approved the Hearing Request Form, the staff will email you the following docket entry has been made: Hearing Request Form Approved. After the Hearing Request Form has been approved, please contact the Probate Court Coordinator to obtain a setting that is convenient for you.

- 1. General citation posted.
*****Denton County Clerks' Office REQUIRES a Citation Request Form be completed in order to obtain citations. The Clerks' Citation Request Form is found on the Denton County website at:
<http://dentoncounty.com/departments/county-courts/probate-court.aspx>*****
- 2. Copy of Will filed with Application, Application includes last 3 digits of Applicant's and Decedent's SSN and DL or explains why omitted as required by Texas Estates Code §256.052.
- 3. **You are required to present the Court an Original Death Certificate at the prove up hearing.**
- 4. The proper inquiries have been made and the designated Independent Administrator is qualified to serve. Texas Estates Code §304.003.

SELECT NO. 3 OR NO. 4

- 5. Will names an Executor but does not provide for Independent Administration.
 - a. **All** Distributees have (1) agreed and consented to have the Executor named in the will serve as Independent Executor and (2) have agreed to creating an Independent Administration of the estate, and proper documents evidencing all Distributees' consent have been filed with the Court. Texas Estates Code §401.002(a)

- 6. Will does not name an Executor or named Executors are deceased, disqualified, or decline to serve. (Appointment of Independent Administrator with will annexed.)
 - a. **All** Distributees have agreed and consented to creating an Independent Administration of the estate and the proper documents evidencing all Distributees' consent have been filed with the Court. Texas Estates Code §401.002(b)
 - b. **All** Distributees have agreed collectively on the designation of a qualified person, firm, or corporation to serve as Independent Administrator, and the proper documents evidencing all Distributees' consent have been filed with the Court. Texas Estates Code §401.002(b)
- 7. **All** Distributees have been served with citation and notice of the Application, **or** proper waivers for the issuance of citation have been filed, **or** the Distributee has entered an appearance in Court. Texas Estates Code §401.004(b)

(CHECK ONLY IF APPLIES)

- 8. If requesting waiver of bond, the proper waiver(s) must be filed with the Court evidencing all Distributee's understanding that a bond is required and that they are waiving the requirement for the Independent Administration to be bonded. Texas Estates Code §401.005
- 9. Testimony admitted into evidence must be reduced to writing. Bring a copy of Proofs with you the day of Prove-Up in order they can be signed in front of the Judge. Texas Estates Code §256.157. If testimony is by written deposition, it must comply with Texas Estates Code §51.203 and with the Texas Rules of Civil Procedure.
- 10. Oath has been prepared for the Independent Executor or Independent Administrator in accordance with Texas Estates Code §305.051.

**BRING A DIGITAL VERSION OF YOUR DOCUMENTS IN WORD FORMAT
IN THE EVENT CHANGES NEED TO BE MADE.**

As attorney for the Applicant, before submitting this request, I verify by signing below that each of the above-listed items has been completed, that I have complied with all procedural and statutory requirements of the Texas Estates Code Chapter 401, and that this matter is ready to be set on the Probate Court's uncontested docket. I understand that if an above-listed item has not been completed, this matter will not be set on the Court's docket until all items on the checklist have been completed and emailed to hearingrequest@dentoncounty.gov.

Respectfully Submitted,

Attorney Name:
SBN:
Address:
Phone:
Email: