

Cause No. _____

In Re: THE ESTATE OF _____,
DECEASED

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IN THE PROBATE COURT
OF
DENTON COUNTY, TEXAS

HEARING REQUEST FORM
UNCONTESTED DETERMINATION OF HEIRSHIP

To obtain a setting, complete the appropriate Hearing Request Form and email to hearingrequest@dentoncounty.com. 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.

IF SEEKING AN ADMINISTRATION, MUST ALSO COMPLETE APPROPRIATE REQUEST FORM WHETHER INDEPENDENT OR DEPENDENT

- 1. Required affidavit(s) of Applicant(s) supporting Application for Determination of Heirship have been filed with the Court. Texas Estates Code §202.007
- 2. Citation has been 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>*****
- 3. Citation by Publication has been returned and publisher's affidavit filed with Court. Texas Estates Code §202.052
- 4. Requirement of personal service on (1) each distributee who is 12 years of age or older, and (2) the managing conservator, guardian, or ad litem of each child under 12 years of age has been met. Proof of Service or Waivers of Service of Citation for each distributee have been filed with the Court. Texas Estates Code §202.051

Parent, managing conservator, guardian, or ad litem may not waive or accept service for a minor child over 12 years of age. EST §202.056 (b)(2)
- 5. **Applicant will present an original certified Death Certificate to the Court upon arrival at the prove up hearing.**

- 6. Affidavit of Service of Citation filed with the Court stating names of all heirs who received service or waived and proof of delivery or waiver are attached to affidavit. Texas Estates Code §202.057

The Court may not enter an order in an heirship proceeding until the Affidavit of Service of Citation is filed with the Court. Texas Estates Code §202.057

- 7. Attorney Ad Litem was appointed and has filed an answer. I have conferred with the ad litem, and the ad litem is ready to proceed with a hearing.
- 8. Applicant will produce at least TWO disinterested witnesses who are familiar with Decedent's family history to testify in court.
- 9. Testimony admitted into evidence must be reduced to writing. Proof of Death and Other Facts have been prepared and filed with the Court. Bring a copy of the 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. The Judgment **must** provide for division of shares in fractional format (use 1/3 not decimal format of .333) for separate real and personal property; and, if married, community real and personal property.

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 202, 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.com.

Respectfully Submitted,

Attorney Name:

SBN:

Address:

Phone:

Email: