

PRO SE POLICY - PROBATE ECTOR COUNTY

1. The Court does not allow a personal representative, which includes an independent executor, dependent executor, independent administrator, temporary administrator or dependent administrator, of a decedent's estate to be appointed unless represented by an attorney who is licensed to practice law in Texas. *See Steele v. McDonald, 202 S.W.3d 926, 928-29 (Tex. App.—Waco 2006, no pet.).*
2. Pro se representation in these circumstances is the practice of law without a license because these positions have a fiduciary duty to represent the best interests of all heirs or beneficiaries and legitimate creditors of the estate.
3. Pro se applicants are allowed to represent only themselves before the court. Pro se applicants are not allowed to represent other beneficiaries named in the Will because these acts involve the practice of law.
4. The Court allows a pro se applicant to probate a will as a Muniment of Title (no personal representative is appointed and no letters are issued) if all of the following circumstances are met:
 - a. Four years have not elapsed since the decedent's death;
 - b. The original Will is filed with the court;
 - c. The Will was signed by the decedent and at least two witnesses;
 - d. The Will has a valid self-proving affidavit;
 - e. The applicant is the sole beneficiary under the Will; and
 - f. There are no unpaid debts owed by the decedent other than debts secured by liens on real estate.
5. Prior to proceeding with an Application to Probate Will as Muniment of Title, you should contact each entity holding assets and verify that they will release the assets to you upon your presentment to them of a certified copy of the Will and the Order Admitting Will to Probate as Muniment of Title. Some entities, especially those holding stocks and bonds, will not release the assets without Letters Testamentary or Letters of Administration. If so, you should consult an attorney.
6. Please consult an attorney of your choice if you wish to be appointed as a personal representative or if your Will does not meet all of the requirements in item 4 above. If you do not know any attorneys who practice probate law, you may contact the **State Bar of Texas Lawyer Referral Service at (800)252-9690 or www.texasbar.com/LRIS**. Be sure to ask for an attorney who specializes in probate law.
7. If you are the only beneficiary of a Will that meets all the requirements listed above in item 4 and you wish to probate the Will as a Muniment of Title, you may proceed by completing and filing an Application for Probate of Will as Muniment of Title.

8. The original Will and Application should be filed with the County Clerk, Probate Department, in Rm. 111 on the first floor of the Courthouse at 300 N. Grant. Please contact the County Clerk's Office, Probate Department, for current filing fees at 432-498-4130.
9. After filing, the Clerk will issue citation which must be posted at the Courthouse until the next Monday to occur after 10 days from the date of filing. When you file your Application, the Clerk will write this "Return Date" on your receipt.
10. You must call the appropriate Court to set a personal hearing on your Application on the Return Date or on any day occurring after this Return Date.
11. At the hearing, you will be required to present the Proof of Death and Other Facts and the Order Admitting Will to Probate as Muniment of Title.
12. You will receive 1 free certified copy of the Will and Order Admitting Will to Probate as Muniment of Title from the Clerk. Additional copies are \$5/certification and \$1/per page.