



HUNT COUNTY COURT AT LAW NO. 2



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JUDGE, COUNTY COURT AT LAW NO. 2
2nd FLOOR COUNTY COURTHOUSE

AMENDA HENDERSON

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One-Minute Prove-Up

The One-Minute Prove-Up is for attorneys with limited time or whose clients may have some unease about testifying in court. Unlike the traditional prove-up, very little oral testimony will be necessary. One-Minute Prove-Ups are available on every docket for the probate of wills that meet the requirements set forth below. Those who qualify for the One-Minute Prove-Up will have priority on the docket.

Requirements:

1. Original Will and Codicil(s) with self-proving affidavit.

Excluded are copies of wills, holographic wills, and any proceeding requiring the need to prove up signatures or bring witnesses for any other reasons.

2. Independent Administration with bond waived in the Will

The Applicant is the Independent Executor named in the will and is willing and qualified/not disqualified to serve or the Applicant is a named successor and is willing and qualified/not disqualified to serve and declinations of all named individuals with priority are on file.

OR

Probate as Muniment of Title

The Applicant is the first person named in the Will to serve as the personal representative or the Applicant is a named successor and declinations of all named individuals with priority are on file.

3. Citation and posting completed.

4. Original Will has been filed with the County Clerk.

5. Applicant is represented by a licensed attorney.

6. Attorney has complied with the court's policies and procedures.

If you satisfy the above, you are eligible for the One-Minute Prove-Up. If you wish to take advantage of this procedure, on the court's form entitled *Probate Setting Request & Order Setting Hearing*, you should select "1MPU" under the section titled *TIME REQUIRED FOR HEARING*.

On the day of the hearing, when your case is called, approach the bench and submit the written copy of the proposed order, and the signed oath to the Judge and inform the Judge this is a One-Minute Prove Up. The Judge will then swear in the proponent of the will (either the Applicant or the attorney who has personal knowledge of the facts). Because the proposed written testimony will have been previously e-filed and reviewed by the judge, the oral testimony can be shortened. Below is a script of the testimony required.

Sample Script for the hearing:

1. Identity of the witness. (“State your name...”)
2. Identify the testamentary document(s) (“Do you recognize this as the Last Will and Testament of _____.”)
3. Confirmation that testimony has been committed to writing (“You have committed your testimony to writing in the Proof of Death and Other Facts, and it is true and correct ...”)
4. If declinations were necessary, the attorney shall advise the Court that all required declinations are on file.
5. Ask the Court for what you want. (“We ask that you appoint _____ as Independent Executor to serve w/o bond or probate the will as a muniment of title without the necessity of administration.”)