

CAUSE NO. _____

IN THE ESTATE

OF

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IN THE COUNTY COURT

AT LAW NO. 1 OF

HUNT COUNTY, TEXAS

**CHECKLIST CERTIFICATION FOR
UNCONTESTED DETERMINATION OF HEIRSHIP**

Before the court will set your case for a hearing for the uncontested prove-up of a determination of heirship, you must complete, sign, and file this form showing that you have satisfied all the necessary prerequisites. If seeking an administration, you must also complete appropriate request form whether independent or dependent.

- 1. Applicant's affidavit supporting Application for Determination of Heirship has been filed. §202.007.
- 2. Citation has been posted.
- 3. Citation by Publication has been returned and publisher's affidavit filed with Court. §202.052.
- 4. 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. §202.051. Parent, managing conservator, guardian, or ad litem may not waive or accept service for a minor child over 12 years of age. §202.056 (b)(2).
- 5. 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. §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. §202.057.
- 6. Attorney ad litem was appointed and has filed an answer. Ad litem's report has been filed with the court. I have conferred with the ad litem, and the ad litem is ready to proceed with a hearing.
- 7. Applicant will produce at least two (2) disinterested witnesses who are familiar with Decedent's family history to testify in court.
- 8. Testimony admitted into evidence must be reduced to writing. Unexecuted *Proof of Death and Other Facts* has been prepared and filed with the Court. A copy will be presented to the Court on the day of the hearing so that it may be subscribed and sworn in open court by the witness pursuant to §256.157. If testimony is by written deposition, it must comply §51.203 and with the TRCP.
- 9. 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.
- 10. The proposed order has been filed.

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 this matter is ready for an uncontested prove-up.

Attorney Name: