

CAUSE NO. _____

IN THE ESTATE
OF

§ IN THE COUNTY COURT
§
§ AT LAW NO. 1 OF
§
§ HUNT COUNTY, TEXAS

**CHECKLIST CERTIFICATION FOR UNCONTESTED TESTATE ESTATE §401.002
INDEPENDENT ADMINISTRATION BY AGREEMENT**

Before the court will set your case for a hearing for an uncontested prove-up of a testate estate by agreement pursuant to §401.002 you must complete, sign, and file this form showing that you have satisfied all the necessary prerequisites.

- 1. General citation posted.
- 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. §256.052.
- 3. Proper inquiries have been made & the designated Independent Administrator is qualified to serve. §304.003
(SELECT 4 OR 5)
- 4. *Will names an Executor but does not provide for Independent Administration.*
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. §401.002(a)
OR
- 5. *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. §401.002(b), **OR**
 - 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. §401.002(b)
- 6. **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. §401.004(b)
- 7. **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.** §401.005
- 8. Testimony admitted into evidence must be reduced to writing. Unexecuted *Proof of Death & 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 to 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. I have reviewed with Applicant the applicable instructions of the court regarding the duties and responsibilities of the executor/administrator, and will present the executed document to the Court on the day of the hearing.
- 10. The *Executor/Administrator General Information Sheet* has been completed and will be presented to the Court on the day of the hearing.
- 11. The proposed order has been filed.
- 12. Oath has been prepared for the Independent Executor or Independent Administrator. §305.051.

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 for an uncontested prove-up.

Attorney Name: