

CAUSE NO. _____

IN THE ESTATE

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IN THE COUNTY COURT

OF

AT LAW NO. 1 OF

HUNT COUNTY, TEXAS

**CHECKLIST CERTIFICATION FOR
UNCONTESTED PROVE UP OF LETTERS TESTAMENTARY
(Applicant Named Independent Executor in Will)**

Before the court will set your case for a hearing for the uncontested prove-up of letters testamentary (applicant named independent executor in the will) you must complete, sign, and file this form showing that you have satisfied all the necessary prerequisites.

- 1. Copy of will filed with Application. Application includes last three (3) digits of Applicant’s and Decedent’s SSN and DL or explains why omitted. §256.052.
- 2. General Citation has been posted.
- 3. Original will filed within three (3) days of the filing of Application. TRCP §21(f)(12).
(Must be on file at least ten [10] days prior to hearing.)
 - 4. **If** Will filed after the four-year period for probate, Applicant has complied with §258 subchapter B.
 - 5. **If** probating a copy of a will, Applicant has complied with §257.053 and §258.002.
 - 6. **If** Applicant is other than first named executor in the will, the renunciation of right to serve has been filed and/or the cause of ineligibility of first named executor has been plead.
- 7. Inquiries have been made & Designated Independent Executor is qualified to serve. §304.003.
- 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 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. The Oath has been prepared for the Independent Executor in accordance with §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 256, and that this matter is ready for an uncontested prove-up.

Attorney Name: