

Revision date 8/1/2021



# BASTROP COUNTY PROBATE COURT

804 Pecan St. Bastrop, TX 78602

## Uncontested Docket Heirship Setting Request Form for (1) Hearing to Determine Heirship (with or without administration)

To set a hearing, fill out this form and email to [rebecca.dawson@co.bastrop.tx.us](mailto:rebecca.dawson@co.bastrop.tx.us) No heirship hearing will be set until all boxes have been checked or marked as not applicable.

Today's date: \_\_\_\_\_ Estate of: \_\_\_\_\_

Cause No.: \_\_\_\_\_ Ad Litem's name: \_\_\_\_\_

Email address where the Court can reach you: \_\_\_\_\_

*If, after review, the Court determines the case is ready to be set, we will contact you with the next available hearing dates and times. **Note that no hearing has been set until the Court contacts you with a confirmed date and time; please don't give witnesses an expected hearing date until after you've heard from the Court.***

I have completed service on or filed waivers from all non-applicant heirs and have filed the required affidavit or certificate: *(Remember that a surviving spouse is not the sole heir unless Decedent was an only child and an orphan)*

- Waiver in lieu of citation: I have filed a waiver of citation from all non-applicant heirs that are not being served
- Personal service: I have verified that the Sheriff/Constable has filed the officer's return of citation for all non-applicant heirs that were personally served
- For all non-applicant heirs aged 12 to 17: I have verified that the Sheriff/Constable has filed the officer's return of citation for all non-applicant heirs aged 12 to 17, **OR** I certify that the minor(s) will be present at the hearing
- For all non-applicant heirs under the age of 12: I have filed waiver(s) of citation from the minors' parent or guardian
- I have filed the affidavit or certificate required by Estates Code § 202.057.** *(Always required, whatever service needed)*
- I have filed the publisher's affidavit for citation by publication on the website maintained by the Office of Court Administration *(Always required)*
- I have filed the publisher's affidavit for citation by publication in a newspaper. *(Required unless CP&RC §17.032 applies)*
- If my applicant is seeking independent administration without bond, I have filed an express consent from all non-applicant heirs agreeing to the appointment of an independent administrator without bond *(and from the applicant unless expressly included in the application)*
- I have verified that the Attorney ad Litem (1) has filed or is ready to file a report and (2) is ready to proceed with a hearing

I verify that this case **does not involve** any issues that would require it to be heard in County Court at Law, including – but not limited to – the following. **Please verify every statement:**

- This case does not require evidence/testimony proffered by an expert such as an investigator and/or DNA evidence
- No contest (or answer that could be construed as a contest) has been filed
- Check one:  This case does not involve an adoption **OR**
  - This case involves an adoption, but it is a formal (not equitable) adoption, and no one questions the adoption
- Check one:  Decedent had no will **OR**
  - Decedent had a will or a copy of a will, and that will is being offered for probate
- I will email proposed hearing documents to the Court at east one week before the hearing
- (if applicable) I need an interpreter and will arrange for a licensed court interpreter at the hearing

**Certification of Applicant's Attorney:** *By my signature below, I certify to the Court and its staff that, before submitting this request, I completed all of the checked items as indicated above, and I verified all of the checked items as indicated above.*

\_\_\_\_\_  
Applicant's Attorney (Printed Name)

\_\_\_\_\_  
Applicant's Attorney (Signature)

State Bar No. \_\_\_\_\_