THE PROCESS:

You will need to file an Application and the original will. The will becomes a permanent part of the Clerk's records and will not be returned. After filing the Application, the clerk will give you a "return date." It is after this date that you will be allowed to return for your hearing. The clerk will also provide you with the Cause Number, the Court and phone numbers for each Court Coordinator. It is your responsibility to contact the Court Coordinator in order to set up your hearing date.

Probate hearings usually take place in the Judge's office and only take a few minutes. The Judge will swear you in, ask a few questions and then make his or her decision if a will is to be admitted to probate. You will need to have available an Order for the Judge's signature.

After leaving the Judge's chambers, you will return to the probate office where you will then sign the Proof of Death (and Oath, if necessary). It is after you have completed these steps that you will be issued Letters Testamentary or certified copies of the will and order.

FILING FEES

As of September 1, 2010, the filing fees are:

Muniment of Title	$276.00
Letters testamentary	$278.00
Administration	$278.00

If an inventory is required (Letters Testamentary and Administration), there is a $25 late fee if it is not filed after the 90th day from the date the personal representative has qualified to serve or, if the courts grants an extension under sce 250, TPC, after the date of the extended deadline specified by the court. LGC 118.056(D)

Copies are $1.00 per page. Certified copies are $1.00 per page plus $5.00 per document.

Letters Testamentary or Administration are $2.00 each. A written request is required for copies and letters.

Fee information can also be found at the Brazoria County website: www.brazoria-county.com or you may contact the Probate Department at 979-864-1368
County Court at Law #1 & Probate Court:
979-864-1260
County Court at Law #2 & Probate Court:
979-864-1571
County Court at Law #3 &Probate Court:
979-864-1603
County Court at Law #4 & Probate Court:
979-864-1980

THE CONTENT OF THIS DOCUMENT IS PROVIDED FOR INFORMATIONAL PURPOSE ONLY. IT IS NOT INTENDED AS LEGAL ADVICE. YOU SHOULD ALWAYS SEEK THE ADVICE OF AN ATTORNEY REGARDING LEGAL QUESTIONS.

Frequently Asked Questions About
PROBATING AN ESTATE PRO SE
(without an attorney)

Is it necessary to probate an estate and how long do I have to probate?
If there are assets such as real estate, stocks and bonds, bank accounts, etc., that must be distributed, it is usually required that an estate is probated. The estate must be probated within four years of the date of death.

Do I need an attorney?
The Law does not require that an attorney be involved.

Where do I get the forms?
Forms are available in the Law Library on the third floor of the Courthouse and can be found in a book entitled How to Probate an Estate in Texas by Karen Ann Rolick.

What are the different ways to probate?
If there is a will, you may probate as a Muniment of Title, Letters Testamentary or Administration with Will Annexed.

Muniment of Title:

Forms needed:

* Application for Probate of Will as a Muniment of Title

* Proof of Death and Other Facts

* Order Admitting Will to Probate as a Munument of Title

* Affidavit Regarding Fulfillment of Will Admitted to Probate as a Muniment of Title (this may not be required if the judge waives the affidavit)

A Muniment of Title **does not** appoint an executor of the will and there can be no claims against the estate other than real estate liens.

After the judge has signed the Order, the clerk may issue certified copies of the will and order which gives the Applicant authority to disperse the estate per the requests of the will. If the certified copy of the will and order are recorded in the County Clerk's office (recording dept.). This creates a paper trail for the sale and purchase of real estate.

Letters Testamentary

Forms needed:

* Application for Probate of Will and Issuance of Letters Testamentary

* Proof of Death and Other Facts

* Order Admitting Will to Probate and Authorizing Letters Testamentary

* Oath

* Inventory, Appraisement and List of Claims (and Order Approving Inventory and Appraisement)

When an estate is probated under this type of application, and Letters Testamentary are issued, the Court gives authority to the person appointed as Executor to distribute the estate per the wishes of the deceased as set out in the will. The Executor is issued Letters Testamentary which can then be given to banks, mortgage companies, stock brokers, etc., in order to take care of the business of the estate. The letters can be issued at any time unless the estate has been closed by the executor.

Administration:

Forms needed:

* Application for Letters of Administration or Application for Probate of Will and Issuance of Letters of Administration with Will Annexed

* Proof of Death and Other Facts

* Order Authorizing Letters of Administration or Order Admitting Will to Probate and Authorizing Letters of Administration with Will Annexed

* Oath

* Inventory, Appraisement and List of Claims (and Order Approving Inventory and Appraisement)

It is suggested that the Applicant seek the advice of an attorney if an estate is to be probated as an Administration.