

No. 2015-AF0000 FILED TARRANT COUNTY TEXAS

2015 FEB -9 PM 3:29

IN RE: ALL PROCEEDINGS PENDING OR  
TO BE FILED IN THE PROBATE COURTS  
OF TARRANT COUNTY, TEXAS  
FROM AND AFTER THIS DATE

( IN THE PROBATE COURTS  
( NUMBERS ONE AND TWO  
( OF MARY LOUISE GARCIA  
( TARRANT COUNTY, TEXAS  
COUNTY CLERK

*DL*

UNIFORM STANDING ORDER ON USE OF DEPOSITIONS ON WRITTEN QUESTIONS

It is hereby ordered that Probate Courts Numbers One and Two of Tarrant County hereby adopt the Procedure for Proof by Deposition on Written Questions (attached) and ORDERS that Mary Louise Garcia, the Probate Clerk of Tarrant County, or her designated deputy clerk, shall deliver a copy of this Uniform Standing Order to any individual or individuals filing pro se.

This order is effective as of the date it is entered.

Tarrant County Probate Court Number One

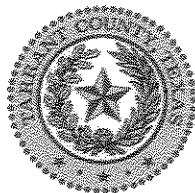
Signed this 5<sup>th</sup> day of February, 2015.

*[Signature]*  
Judge Presiding

Tarrant County Probate Court Number Two

Signed this 2<sup>nd</sup> day of Jan., 2015.

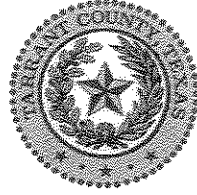
*[Signature]*  
Judge Presiding



**PROOF BY  
DEPOSITION ON WRITTEN QUESTIONS**  
Tarrant County Probate Courts

A party planning to offer testimony by Deposition on Written Questions must follow the procedures set forth in TEX. PROB. CODE §51.203 (decedent's estates) or §1051.253 (guardianships). This specific statutory procedure controls over the general procedural method of taking depositions on written questions (TEX. RULES CIV. PROC. 2.1 (1999)).

1. Procedure for Proof by Deposition on Written Questions
2. Notice of Intent to Take Deposition on Written Questions
3. Written Questions for Subscribing Witness
4. Package Envelope



**PROCEDURE FOR PROOF BY  
DEPOSITION ON WRITTEN QUESTIONS**  
Tarrant County Probate Courts

A party planning to offer testimony by Deposition on Written Questions must follow the procedures set forth in Texas Estates Code §51.203 (decedent's estates) or §1051.253 (guardianships). This specific statutory procedure controls over the general procedural method of taking depositions on written questions set forth in Texas Rules of Civil Procedure 2.1 (1999).

This procedure applies for: (all references are to the Texas Estates Code)

- A. proving up proper execution of a will (§256.153),
- B. proof of the Testator's handwriting (§256.154) or
- C. other proof required for an uncontested hearing, (including, without limitation: §§301.155, 112.103, 202.151, 355.062).

The Written Questions should include a space for the answers on the same page. A recommended form is attached.

Should the Court or the Attorney Ad Litem wish to pose Cross-Questions, these may be transmitted with the Written Questions, to be returned to the Probate Clerk by the Deposition Official\*.

The procedures to be followed for taking a Deposition on Written Questions are:

1. The Attorney shall coordinate with the Deposition Official in the foreign location in which the witness is located to propound written questions to the witness. The Attorney shall also determine the date and time within which the questions are to be propounded, answered and the answers returned.
2. The Attorney shall complete an "Information Filing Form" for the Clerk.
3. The Attorney shall file a) the Deposition on Written Questions, b) a "Notice of Intent to Take Deposition on Written Questions" and c) the Information Filing Form with the Probate Clerk.
4. The Probate Clerk posts a "Notice of Intent to Take Deposition on Written Questions."
5. After the posting period (10 days), the Probate Clerk shall furnish a Package Envelope for transmission to the Deposition Official for the return of the completed deposition directly to the Probate Clerk. The Probate Clerk shall also make a certified copy of the Last Will and Testament (or other document in question) and attach the same to a certified copy of the Deposition on Written Questions.
6. The attorney shall then transmit certified copies of the Deposition on Written Questions (with will or other document attached) and the Package Envelope to the Deposition Official with a prepaid return envelope, addressed to the Probate Clerk.
7. The prepaid return envelope shall be one of the following: a) Federal Express Airbill, b) UPS Airbill or, c) USPS with Delivery Confirmation.
8. The Deposition Official shall:
  - a) place the witness under oath,
  - b) supervise the answering of the written questions,
  - c) complete the jurat on the Deposition on Written Questions,
  - d) place all of the materials in the Package Envelope,
  - e) seal and sign his or her name over the seal, then
  - f) return the Package Envelope directly to the Probate Clerk in the prepaid Airbill Envelope.
9. At the hearing, the attorney shall request the Court to take judicial notice of the answers to the Written Questions.

\* A "Deposition Official" includes the Clerk of a District Court, Judge or Clerk of a County Court, or any official Court Reporter, or any Notary Public of the County and State in which the witness is located.

No. \_\_\_\_\_

ESTATE OF

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§  
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§  
§

PROBATE COURT

\_\_\_\_\_

NUMBER \_\_\_\_ OF

DECEASED

TARRANT COUNTY, TEXAS

**NOTICE OF INTENT TO TAKE DEPOSITION ON WRITTEN QUESTIONS**

To the Clerk of Said Court:

NOW COMES \_\_\_\_\_, Applicant for the Probate of the Last Will and Testament of \_\_\_\_\_, Deceased in the above styled and numbered cause, by and through his undersigned attorney of record, and hereby gives notice that the Undersigned intends to take the Deposition on Written Questions of:

Name: \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
County \_\_\_\_\_  
State \_\_\_\_\_

before a person authorized to take oaths in and for said County and State, to be used for the probate of the last Will and Testament in said cause.

Dated: \_\_\_\_\_

Respectfully submitted,

[Attorney Information]

Attorney for Applicant

ESTATE OF \_\_\_\_\_  
DECEASED

No. \_\_\_\_\_  
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PROBATE COURT  
NUMBER \_\_\_\_\_ OF  
TARRANT COUNTY, TEXAS

WRITTEN QUESTIONS FOR SUBSCRIBING WITNESS

- 1. State your name and residence address. ANSWER: \_\_\_\_\_
- 2. Were you acquainted with Decedent during his or her lifetime? ANSWER: \_\_\_\_\_
- 3. Please carefully examine the attached Instrument and state whether you signed the Instrument as a witness. ANSWER: \_\_\_\_\_
- 4. If the answer to question #3 is yes, did the Decedent sign the Instrument in your presence on the same date that the Instrument is dated? ANSWER: \_\_\_\_\_
- 5. Were you acquainted with \_\_\_\_\_ the other witness to the instrument? ANSWER: \_\_\_\_\_
- 6. If you answered #5 "yes", did the Decedent sign the Instrument in your presence and in the presence of the other witness on the same date the Instrument is dated? ANSWER: \_\_\_\_\_
- 7. At the time the Decedent signed the Instrument, did the Decedent declare the Instrument to be his or her Last Will and Testament? ANSWER: \_\_\_\_\_
- 8. Did you and the other witness subscribe your names as witnesses to the Instrument at Decedent's request and in the presence of Decedent and each other? ANSWER: \_\_\_\_\_
- 9. Was the Decedent at least eighteen (18) years of age at the time of the signing of the Instrument? ANSWER: \_\_\_\_\_
- 10. Was the Decedent of sound mind at the time of the signing of the Instrument? ANSWER: \_\_\_\_\_
- 11. Were both you and the other witness at least fourteen (14) years of age at the time of the signing of the Instrument? ANSWER: \_\_\_\_\_

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ }

Signed: \_\_\_\_\_  
\_\_\_\_\_  
Typed Name of Witness

Before me, the undersigned Official, on this day personally appeared \_\_\_\_\_, who, being by me duly sworn on oath deposed and stated that he or she was a witness to the Last Will and Testament of \_\_\_\_\_, that he or she has read the above and foregoing Answers of Subscribing Witness to Written Questions and every statement contained in said Answers is within his or her personal knowledge and is true and correct.

\_\_\_\_\_ Affiant  
SUBSCRIBED AND SWORN TO BEFORE ME on this the \_\_\_\_\_, to certify which witness my hand and official seal.

Title \_\_\_\_\_

**“PACKAGE ENVELOPE”**

**IN THE PROBATE COURT NUMBER \_\_\_\_\_  
OF TARRANT COUNTY, TEXAS**

**Estate of**

\_\_\_\_\_  
*DECEASED*



\_\_\_\_\_  
(Signature of Deposition Official after Sealing)  
(Sign here and below)

**ENCLOSED ARE:  
INTERROGATORIES TO BE PROPOUNDED  
TO**

\_\_\_\_\_  
I hereby certify that I have reduced the answers of

\_\_\_\_\_  
to writing on the enclosed Interrogatories, which  
answers were sworn to and subscribed before me.

I have completed the Certificates attached to the  
Interrogatories and have inserted all such materials  
in this envelope which I have sealed and signed this  
the \_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

I am this day depositing this envelope for  
transmission by:  Federal Express  
 United Parcel Service  
 United States Postal Service,  
Delivery Confirmation

to be delivered OVERNIGHT to the  
**Tarrant County Clerk  
Probate Department  
100 W. Weatherford St, Room 233  
Fort Worth, Texas 76196  
(817) 884-1770**



\_\_\_\_\_  
(Signature of Deposition Official after Sealing)