

No. 2015-AF00007 FILED TARRANT COUNTY TEXAS

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

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IN THE PROBATE COURTS
NUMBERS ONE AND TWO
OF
TARRANT COUNTY, TEXAS

2015 FEB -9 PM 3:29

MARY LOUISE GARCIA
COUNTY CLERK

Dr

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 5th day of February, 2015.

[Signature]
Judge Presiding

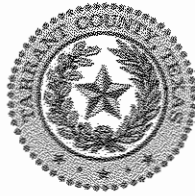
Tarrant County Probate Court Number Two

Signed this 2nd day of Jan., 2015.

[Signature]
Judge Presiding

SCANNED

FEB 09 2015



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

DECEASED

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PROBATE COURT

NUMBER ____ OF

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 _____

No. _____

PROBATE COURT

NUMBER _____ OF

DECEASED

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 depose 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)