

**PRO SE POLICY OF PROBATE COURT NO. TWO
TARRANT COUNTY, TEXAS
JUDGE PAT FERCHILL**

As of January 1, 2010

contact Steve Fields 817-884-1049 or sfields@tarrantcounty.com with questions

1. The Court does not allow a personal representative, which includes an independent executor, dependent executor, independent administrator, temporary administrator or dependent administrator, of a decedent's estate to be appointed unless represented by an attorney who is licensed to practice law in Texas.
2. Pro se representation in these circumstances is the practice of law without a license because these positions have a fiduciary duty to represent the best interests of all heirs or beneficiaries and legitimate creditors of the estate.
3. Pro se applicants are allowed to represent only themselves before the court. Pro se applicants are not allowed to question witnesses before the court and are not allowed to represent other beneficiaries named in the Will because these acts involve the practice of law.
4. This policy is supported by Steele v. McDonald, 202 S.W.3d 926 (TX Ct. App., 10th Dist., Waco 2006).
5. The Court allows a pro se applicant to probate a will as a muniment of title (no personal representative is appointed and no letters are issued) if all of the following circumstances are met:
 - a. Four years have not elapsed since the decedent's death;
 - b. The original Will is filed with the court;
 - c. The Will was signed by the decedent and at least two witnesses;
 - d. The Will has a valid self-proving affidavit that complies with TPC 59;
 - e. The applicant is the sole beneficiary under the Will; and
 - f. There are no unpaid debts owed by the decedent other than debts secured by liens on real estate.
6. Prior to proceeding with an Application to Probate Will as Muniment of Title, you should contact each entity holding assets and verify that they will release the assets to you upon your presentment to them of a certified copy of the Order Admitting Will to Probate as Muniment of Title. Some entities, especially those holding stocks and bonds, will not release the assets without Letters Testamentary or Letters of Administration. If so, you should consult an attorney.
7. Please consult the attorney of your choice if you wish to be appointed as a personal representative or your Will does not meet all of the requirements in item 5 above. If you do not know any attorneys who practice probate law, you may contact the **Tarrant County Bar Association's Lawyer Referral Service at (817) 336-4101**. Be sure to ask for an attorney who specializes in probate law.

8. If you are the only beneficiary of a Will that meets all the requirements listed above in item 5 and you wish to probate the Will as a Muniment of Title, you may proceed by completing and filing the attached Application for Probate of Will as Muniment of Title.
9. The original Will and Application should be filed with the Probate Clerk in Rm. 233 on the second floor of the Old County Courthouse at 100 W. Weatherford. The **current filing fee is \$233**. Please make checks payable to Mary Louise Garcia, County Clerk. If you have any questions regarding filing fees, please call the Probate Clerk's office at 817-884-1770.
10. After filing, the Clerk will issue citation which must be posted at the Courthouse until the next Monday to occur after 10 days from the date of filing. When you file your Application, the Clerk will write this "Return Date" on your receipt.
11. You must call 817-884-1415 to set a personal hearing on your Application on the Return Date or on any day occurring after this Return Date. Most hearings on Applications for Muniment of Title occur on Mondays.
12. Prior to the hearing, you should complete the attached Proof of Death and Other Facts and the Order Admitting Will to Probate as Muniment of Title. Please make a copy of each of these documents and bring the copies with you to your hearing. Please write "Copy" on the top of each copy. Please do not sign the Proof prior to your hearing.
13. At the hearing, you must appear in person before the Judge and present your testimony. The Judge will call your case, and you should approach the bench by yourself. Your friends may attend the hearing, but they should remain seated in the audience. Please hand your Order and copy of the Order to the Judge. Please hand the original of your unsigned Proof to the Clerk seated on the Judge's right. You should keep the copy of the Proof for your use in giving your testimony. The Judge will swear you in under oath. You should then begin your testimony by reading the items listed on your copy of the Proof. After you have presented your testimony, the Judge may ask you some further questions and will then render his verdict. The Judge will then ask you to sign your Proof before the Clerk. The Judge or Clerk will conform the copy of the Order and hand it to you.
14. If you need a certified copy of the Order, please take your copy to the Clerk's office and ask for the number of certified copies that you need. For certified copies, the Clerk charges a \$5 certification fee in addition to \$2 for each page of your Will.