

No. _____

THE ESTATE OF

§
§
§
§
§
§
§

IN THE PROBATE COURT

_____ ,

NUMBER TWO

DECEASED

TARRANT COUNTY, TEXAS

Report of Attorney Ad Litem in Heirship Proceeding

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes, _____, appointed by this Court as Attorney Ad Litem for the unknown heirs of the above-referenced Decedent, pursuant to §53.104 and §202.009 of the Texas Estates Code and makes this report as follows:

1. I am of the opinion that the listing of the heirs of the Decedent, as shown in the Application, is true, correct and complete; that the respective shares are correctly reflected, and that there are no unknown heirs, minors, incompetents or heirs with a legal disability, other than as shown in the Application.

<**** Practice Note to Ad Litem. If you do not agree with the Applicant's listing of heirs, you will need to fill out something like one of examples below. However, the onus is on the Applicant to provide the correct information. So normally, this form would be forwarded to the Applicant to clean up. They should then file an amended application, and you can use the example above. You should only have to create the type of reports the examples denote when the issue is truly contested between you and the Applicant.

OR (example 1)

1. I am of the opinion that the listing of the heirs of the Decedent, as shown in the Application, is not correct and complete. In my investigation, I have uncovered the following unknown heir not originally listed in the Application: an estranged brother "Elvis." Consequently, I believe that a true and complete listing of the heirs, with their respective shares, is attached as a distribution chart, which I hereby incorporate herein. <see exhibit 1 below >

OR (example 2)

1. I am of the opinion that the listing of the heirs of the Decedent, as shown in the Application, is true, correct and complete. However, I believe that the respective shares each heir is entitled to inherit is not correctly reflected because it fails to provide the correct division to the decedent's offspring from prior relationships. Therefore, I argue on behalf of my clients that the proper division is as shown on the attached distribution chart, which I hereby incorporate herein.

<see exhibit 2 below >

OR (example 3 – for a complex listing)

I am of the opinion that the listing of the heirs of the Decedent, as shown in the Application, is not correct. It appears to disregard the offspring, and putative offspring (both natural, and by adoption by estoppel) of his deceased brother Elvis. As a result, I have attached a distribution chart, which I hereby incorporate, which reflects the potential heirs who I have located, along with (to the extent I can without further order by the Court to proceed beyond my original duties) their respective shares of the Decedent's Estate. <see exhibit 3 below >

2. I reviewed the Application for Determination of Heirship, together with all other documents on file in this case and spoke with the attorney for the Applicant herein.
3. I filed my Answer on behalf of the unknown heirs on _____.
4. I contacted the following persons to obtain or verify the Decedent's personal history and family background and to determine the existence and location, as applicable, of any unknown heirs of the Decedent.
 - A. _____: Mother of the Decedent
123 Road Way
Fort Worth, Texas 76133
 - B. _____: Family friend of the Decedent
456 State Highway
Granbury, Texas 76048
 - C. _____: Family friend of the Decedent
789 B Blvd.
Fort Worth, Texas 76109

Dated: _____.

Respectfully submitted,

Jack Doe
Attorney Ad Litem
John Doe Offices, P.C.
109 Lane Ln, Ste 300
Fort Worth, Texas 76102
Phone: 555.555.2400
Fax: 555.555.2409

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon the following counsel by certified mail and/or facsimile transmission on this ____ day of _____.

Attorney at Law
101 ONE Rd.
Benbrook, Texas 76126
Fax: 555.123.2281

Jack Doe.

No. _____

THE ESTATE OF _____, §
§
§
§
§
§
DECEASED § IN THE PROBATE COURT
NUMBER TWO
TARRANT COUNTY, TEXAS

Report of Attorney Ad Litem in Heirship Proceeding
Distribution Chart

Example 1

1. I am of the opinion that the following is a true and complete listing of the heirs, with their respective shares in the Estate:

	Relation To Decedent	Share of Separate Property	Share of Community Property
Applicant James Doe	Brother	1/4th	N/A
Child of Deceased Sister Mary Doe Smith John Doe 123 Road Rd Nowhere, TX 12312 (555) 555-5555	Nephew	1/4th	N/A
Child of Deceased Brother Larry Doe Jane Doe 321 Road Rd Nowhere, TX 12312 (555) 555-5556	Niece	1/4th	N/A
Missing Heirs (last known Residence – Memphis TN	Estranged Brother Elvis Doe and /or his heirs	1/4th	N/A

Example 2

2. I am of the opinion that the following is a true and complete listing of the heirs, with their respective shares in the Estate:

Applicant 3 rd Wife	Wife	Separate Property	Community Property
		1/3 rd Of personal Property	Retains her 1/2 interest in Community Property
		1/3 Life Estate Of Real Property	
Applicant's & Decedent's son Jack (1/2 of	Son	1/3 th (1/2 of	1/4 th
		2/3 ^{rds}) of Personal	Decedent's 1/2 interest)
		Property	Community Property
	in	1/3 th (1/2 of 2/3 ^{rds}) of Real Property, and	
		1/6 th (1/2 of Remainder interest of Real Property	1/3 rd)
Decedent and 2 nd Wife's daughter	Daughter	1/3 th (1/2 of 2/3 ^{rds})	1/4 th (
1/2 of		of Personalty	1/2
Decedent's			Community Property
interest) in		1/3 rd (1/2 of 2/3 ^{rds}) of Real Property, and	

1/6th (1/2 of 1/3rd)
Remainder interest of
Real Property

EXAMPLE 3

I, _____, respectfully submit the following, which I argue on behalf of my clients is the proper division of three quarters (3/4ths) of the above named decedent's estate, which is the extent possible without further direction of the Court with regard to the 1/4th interest due to the heirs of Elvis Doe.

	Relation To Decedent	Share of Separate Property	Share of Community Property
Applicant's heir	Brother	1/4th	N/A
Child of Deceased Sister Mary Doe Smith John Doe 123 Road Rd Nowhere, TX 12312 (555) 555-5555	Nephew	1/4th	N/A
Child of Deceased Brother Larry Doe Jane Doe 321 Road Rd Nowhere, TX 12312 (555) 555-5556	Niece	1/4th	N/A
From 1 to 24 (putative Heirs Whose – location and paternity are beyond the scope of this ad litem to determine without further direction of	Decendents of Brother Elvis (died 1/1/2001)	1/4th	N/A

the Court, are as follows:

**.
Suzy Q Doe Undisputed Niece
(123) 123-1234**

**Joseph Doe Possible Great Nephew via predeceased
(555) 555-1234 acknowledged nephew Oliver Doe**

**The 12 children of
Jaque Doe Possible Niece by actual paternity
 or adoption by estoppel**

**The 8-10 children
and Grandchildren
of Bery Doe (Contact
via Joseph Doe, (see
above) who
believes he can find
some via their uncle)**

**Bery's Paternity was alternately
acknowledged and questioned by Elvis
at various times during his life**