Administrative Order	§	**In the Probate Courts**
	§	
2014-1	§	**of**
	§	
	§	**Harris County, Texas**

First Amended Administrative Order Regarding the Texas Supreme Court's Adoption of Mandatory E-Filing and Texas Rule of Civil Procedure 21c

I. FINDINGS

A. Filing of Original Will with the Harris County Clerk

1. On December 13, 2013, the Supreme Court of Texas adopted new Texas Rule of Civil Procedure (TRCP) 21(f) regarding Electronic Filing, effective January 1, 2014. Rule 21(f)(4)(A) provides: "Wills are not required to be filed electronically." Rule 21(f)(12) provides: "Original Wills. When a party electronically files an application to probate a document as an original will, the original will must be filed with the clerk within three business days after the application is filed."

2. The Harris County Probate Courts find that there is need for an administrative order requiring that any original will being offered for probate, or filed and not offered for probate, must be physically filed in the Harris County Clerk's office within three business days after the application is electronically filed. The courts are obligated and must have an opportunity to properly inspect and evaluate the original will.

3. In addition, the applicant seeking the probate of a will shall include with such application a copy of such will for two primary reasons: 1) to enable the application to be posted with a copy of the will so as to avoid confusion regarding the posting date; and 2) to enable the clerk to match up the original will with the copy of the will which accompanied the application and confirm that the application goes with the correct testamentary document.

4. Finally, the Harris County Probate Courts will not allow the applicant for the probate of a will schedule a hearing on such probate until the original will being offered for probate has been filed with the Harris County Clerk.

B. Filing of Copy of Will not Produced in Court

5. The Harris County Probate Courts find that there is need for an administrative order requiring that any document purporting to represent the contents of a lost will and being offered for probate must be physically filed in the Harris County Clerk's office within three business days after the application is electronically filed. The courts are obligated and must have an

opportunity to properly inspect and evaluate such document purporting to represent the contents of a lost will.

6. In addition, the applicant seeking the probate of a document purporting to represent the contents of a lost will shall include with such application a copy of such document purporting to represent the contents of a lost will for two primary reasons: 1) to enable the application to be posted with a copy of such document so as to avoid confusion regarding the posting date; and 2) to enable the clerk to match up the physically filed document purporting to represent the contents of a lost will with the copy of such document which accompanied the application and confirm that the application goes with the correct document.

7. Finally, the Harris County Probate Courts will not allow the applicant for the probate of a lost will schedule a hearing on such probate until the document purporting to represent the contents of a lost will and being offered for probate has been filed with the Harris County Clerk.

C. Filing of Annual and Final Accounts

8. On December 13, 2013, the Supreme Court of Texas adopted Texas Rule of Civil Procedure (TRCP) 21c, Privacy Protection for Filed Documents, effective January 1, 2014. Rule 21c defines sensitive data as follows:

a. a driver's license number, passport number, social security number, tax identification number, or similar government-issued personal identification number;

b. a bank account number, credit card number, or other financial account number; and

c. a birth date, home address, and the name of any person who was a minor when the underlying suit was filed.

9. Unless sensitive data is specifically required by a statute, court rule, or administrative regulation, a document containing sensitive data may not be filed unless the sensitive data is "redacted by using the letter 'X' in place of each omitted digit or character or by removing the sensitive data in a manner indicating that the data has been redacted." The filing party is required to retain an unredacted version of the filed document while the case is ongoing.

10. Given new Rule 21c, the undersigned presiding judges of the Harris County Probate Courts find there is need for an administrative order setting out new procedures to be followed when annual and final accounts are required in guardianship and probate estates.

II. ORDERS

A. Filing of Original Will with the Harris County Clerk

11. IT IS THEEFORE ORDERED that effective immediately, when a party electronically files an application that seeks to probate an original will, a copy of such will shall be filed electronically along with the application to probate such will and the original will shall be filed with the Harris County Clerk within three business days after the application is filed. The appropriate probate court will allow the applicant to schedule a hearing only after the original will has been filed with the clerk.

B. Filing of Copy of Will not Produced in Court

12. IT IS FURTHER ORDERED that effective immediately, when a party electronically files an application that seeks to probate a lost will or a will not produced in court, a copy of the document purporting to represent the contents of such lost will shall be filed electronically along with the application to probate such will and a hard copy of such document purporting to represent the contents of the lost will shall be filed with the Harris County Clerk within three business days after the application is filed. The appropriate probate court will allow the applicant to schedule a hearing only after such document purporting to represent the contents of such lost will has been filed with the clerk.

C. Filing of Annual and Final Accounts

13. IT IS FURTHER ORDERED that effective immediately, the following procedures must be followed when any annual or final account is filed in Harris County Probate Courts.

a. File the accounting in compliance with TRCP 21c, redacting sensitive data as needed (for example in the required verifications of deposit, confirmations of safekeeping, and tax affidavits). The unredacted, original verification of funds should be delivered directly to the auditor of the appropriate probate court.

b. File the accounting electronically as required by Texas Supreme Court Order and TRCP Rule 21.

c. All pertinent financial statements, check copies, or other backup documentation supporting an annual or final accounting shall be attached to the accounting and filed with the Harris County Clerk, with sensitive data redacted, save and except the last 3 digits or characters of account numbers per TRCP Rule 21c.

d. Accountings with schedules or exhibits referenced in the body of the account and redacted per TRCP 21c shall be accepted by the Harris County Clerk.

e. Proof of bond premium payment should be attached to the accounting.

D. Bonds, Citations, and Subpoenas

14. IT IS FURTHER ORDERED that effective immediately, all original bonds, citations, and subpoenas must be filed with the Harris County Clerk.

E. Uncontested Probate Hearings

15. IT IS FURTHER ORDERED that effective immediately, the following original documents shall be presented on the date of the hearing in an uncontested probate matter to the judge: Order Probating Will or Appointing Administrator, Proof of Death and Other Facts, Judgment Declaring Heirship, Statement of Facts, Renunciation of Right to Letters Testamentary, Designation of Resident Agent, Waiver of Right to Service of Citation, and Consent to Appointment or Independent Administration.

Signed on June 19, 2014.

Probate Court at Law No. 1
Harris County, Texas

Probate Court at Law No. 2
Harris County, Texas

Probate Court at Law No. 3
Harris County, Texas

Probate Court at Law No. 4
Harris County, Texas