



Efiling Probate and Guardianship Cases in the Randall County Clerk's office

Note: All Probate and Guardianship Cases are filed in the County Court

General Information

1. Mandated in Randall County – January 1, 2015 by The Supreme Court of Texas (Misc. docket # 13-9092)
2. County Clerk to begin permissive filing on May 1, 2014
3. All filings will be through the electronic filing manager (EFM), **eFiletcourts.gov** (Misc docket # 13-9165 pg 2, (f)(3))
4. It is the responsibility of the filer to find and contract with an electronic filing service provider (EFSP). A list of service providers can be found at www.eFiletexas.gov. The filer is responsible for knowing how their EFSP works and who to contact for assistance if needed.

Guides/Requirements & Rules for Electronic Filing

1. Be familiar with the rules for eFiling set out by The Supreme Court of Texas (Misc. docket # 13-9165; 13-9172 and 14-9079).
2. Please submit cover letter (as an attachment) indicating what action you need from our office (i.e., requested citations and addresses for persons to be served).
3. The email address of an attorney or unrepresented party who files electronically **must** be included on the document. (Misc docket # 13-9165 pg 2, (f)(2))
4. **eFiletcourts.gov** will send a filing confirmation notice to the filing party.
5. Documents are considered timely filed if it's electronically filed at any time before midnight on the filing deadline (exception see #6 below). (Misc docket # 13-9165 pg2, (f)(5))
6. Cut off day and time for filing of Probates and Guardianships is **3pm** each **Thursday**. This allows the Clerk time to get the Citation issued and posted allowing for the 10 days to run.

7. Copy of Wills should be submitted electronically. The **Original Will** is due in Clerk's office within **3** business days after application has been submitted. Judge will be notified prior to hearing if original Will has not been received. (Misc docket # 13-9165 pg 3, (12))
8. Acceptable filing format is PDF format/text searchable, converted not scanned if possible. Document must not be locked. (Misc docket # 13-9172 pg 5, 3.1)
9. **Filer is responsible for redacting any sensitive information** (i.e., SSN-last 4 digits, DL#). Filer must retain unredacted version. (Misc docket # 13-9165 Rule 21c, pg 6)
10. Emailing is NOT eFiling. We will not accept your documents via email.
11. If a proposed order is attached we will send it the Judge. If you send the order directly to the Judge's office the order must be returned to the Clerk for filing.

Citations

Citations served via Process Server: At this time, Personal Citations will still be issued in original format and the attorney will be responsible for picking them up at the Clerks' office.

Exhibits

Items that are scanned and accepted as electronic documents can be filed electronically under the event "No Fee Document" or entered in as attachments to other filings. The current rule does not require exhibits to be filed electronically. Therefore, items that cannot be filed electronically (i.e., hard objects, discs, etc.) may be filed over the counter or during court sessions.

Since exhibits are not required to be submitted electronically, you may choose to submit a document describing the item(s) with a statement in the filing indicating that it will be retained in the attorney's possession until needed (be it for a deposition, request for production of documents or during trial).

Changes of Venues and Transfers

When a transfer occurs because of venue, the filer must provide the court with the original case file and the filings that have occurred with it. All non-criminal pleadings fall under the mandate for electronic filing. Clerks will eFile transferred cases to another county.

The Clerk will be checking the following:

1. If it's a Randall County Case (by looking at the Style of Case)
2. Case Types— are set by the JCIT Misc Docket No. 14-9197. **See attached OCA "Probate and Guardianship Section" chart for help in determining the case type.**
3. Fees are attached to the case type and cannot be removed by Clerk. We will send back for correction.
4. Do not put a cover sheet as lead document. The lead document receives a file mark. Example:
When filing for Letters Testamentary your documents should be submitted as follows:

Application (Lead Document), Civil Case Information Sheet (attachment), Transmittal/Request letter (attachment); Will (Add another document)

5. If multiple documents are placed in a single filing – they should be called lead documents to receive a file mark
6. Make sure the document orientation is right side up and in PDF format.
7. Fill in all parties (**please use all CAPS**) such as: Applicant, Decedent, attorney, addresses etc.
8. Explain in detail any action you need for the clerk to perform (i.e., citations) in your Transmittal/Request letter.
9. Documents with same cause number may be filed as one filing. Different cause numbers have to be filed separately.

Our goal is to make sure the transition to eFiling is effective for both the filer and the receiver. We will work with the attorneys and their staff to make every effort to see that your documents are received and processed in a timely fashion.

Please call our office if you have questions. Someone from the Clerk's office will call you if we have questions.

PROBATE AND GUARDIANSHIP SECTION

Definition of Probate and Guardianship Cases

For the purpose of this report, the number of probate and guardianship cases reported is based on the number of proceedings filed or heard each month. **DO NOT INCLUDE** amended, corrected or supplemental pleadings.

Probate and Guardianship Case Type Categories

1. **INDEPENDENT ADMINISTRATION:** A proceeding to probate a will and for issuance of letters testamentary under Section 401.001 of the Estates Code, or an estate opened under any of the following sections:
 - Estates Code Sec. 401.002(a), where the will does not provide for an independent administration;
 - Estates Code Sec. 401.002(b), where no named independent executor is living or available to serve; or
 - Estates Code Sec. 401.003(b), where all parties agree to have an independent administration in an intestate situation.
2. **DEPENDENT ADMINISTRATION:** An estate opened under Estates Code Ch. 301. These estate cases require court monitoring. Also include applications to appoint a temporary administrator.
3. **ALL OTHER ESTATE PROCEEDINGS:** Other proceedings involving the handling or transfer of property by reason of the death of an individual.
4. **GUARDIANSHIP:** Cases involving the establishment of, or a controversy over, the relation existing between a person (guardian) lawfully invested with the power and charged with the duty of taking care of the rights of a minor or adult (ward) who is considered by the court as incapable of caring for himself/herself. Report the case under **GUARDIANSHIP—MINOR** or **GUARDIANSHIP—ADULT**, depending on the age of the proposed ward.
5. **ALL OTHER CASES:** All other cases not clearly identifiable as belonging in one of the preceding categories.

<i>Independent Administration</i>	<i>Dependent Administration</i>	<i>All Other Estate Proceedings</i>	<i>Guardianship - Minor</i>	<i>Guardianship - Adult</i>	<i>All Other Cases</i>
Probate will and issue letters testamentary (Sec. 401.001)	Appt of dependent administrator	Muniment of title (Ch. 257)	Appt guardian for person only (minor)	Appt guardian for person only (adult)	Application for mineral lease
Independent administration (Sec. 401.002(a))	Appt of dependent administrator with will annexed	Sale of minor's property without guardianship (Ch. 1351, Subchap. A)	Appt guardian for estate only (minor)	Appt guardian for estate only (adult)	Contracts of minors (Ch. 1356)
Independent administration with will annexed (Sec. 401.002(b))	Probate will, dependent executor	Payment of claims w/o administration for minor or incapacitated person (Ch. 1355)	Appt of guardian for person and estate (minor)	Appt of guardian for person and estate (adult)	Delayed birth or death certificate
Independent administration (Sec. 401.003(b))	Appt of dependent administrator with determination of heirship	Determination heirship w/o administration (Ch. 202)	Appt temp guardian for person only (minor) (Ch. 1251)	Appt temp guardian for person only (adult) (Ch. 1251)	Mortgage of minor's interest in residence homestead (Ch. 1352)
Appt of independent administrator w/ determination of heirship	Appt of temporary administrator	Small estates (Ch. 205)	Appt temp guardian for estate only (minor) (Ch. 1251)	Appt temp guardian for estate only (adult)	Receivership, minor or incapacitated (Ch. 1354)
		Complaint to produce will (Sec. 252.201)	Appt of temp guardian for person and estate (minor)	Appt of temp guardian for person and estate (adult) (Ch. 1251)	Relief from firearms disability related to guardianship case
		Probate of foreign will (Ch. 501, 502)	Appt of guardian for minor ward to receive government funds (Sec. 1151.251)	Appt of guardian for adult ward to receive government funds (Sec. 1151.251)	Trusts
		Order to examine documents or open safe deposit box (Ch. 151)	Interstate guardianship (minor) (Ch. 1253)	Interstate guardianship (adult) (Ch. 1253)	
		Emergency intervention (Ch. 152)	Management trust (minor) (Ch. 1301)	Management trust (adult) (Ch. 1301)	
			Nonresident ward (minor) (Ch. 1252)	Nonresident ward (adult) (Ch. 1252)	
			Sale of ward's property without guardianship of estate but with guardianship of person (minor) (Ch. 1351, Subchap. B)	Incapacitated spouse (Ch. 1353)	
				Sale of ward's property without guardianship of estate (adult) (Ch. 1351, Subchap. B)	

If the county court at law has jurisdiction over probate cases, a report MUST be submitted each month, whether or not any reportable activity occurred during the month.