

COUNTY COURT AT LAW NO. 1, WISE COUNTY, TEXAS

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COUNTY COURT AT LAW NO. 2, WISE COUNTY, TEXAS

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**STANDING ORDER RE: PROBATE/GUARDIANSHIP PROCEDURES**

**IT IS HEREBY ORDERED:**

1. Effective January 1, 2015 in all probate proceedings, a certified copy/original Death Certificate be provided for the Court's review prior to the hearing. The Court prefers the Death Certificate be e-filed with the Application, however, it must be filed prior to any probate hearing. The County Clerk's policy is that the Death Certificate will be scanned into the Clerk's document system but will be a sealed document and not available for public viewing. The submitted Death Certificate will be returned to the party filing the probate proceeding.
2. Effective January 1, 2015, when filing a probate or guardianship case in the Wise County Clerk's Office in which an attorney ad litem is required, the Clerk, at the request of this Court and pursuant to Section 1052.051(d) of the Texas Estates Code, will collect a \$450 deposit to apply to the attorney ad litem's fees. The \$450 deposit is based upon three (3) hours of service at \$150 per hour. An ITEMIZED invoice must be submitted for services rendered by the ad litem. Keep in mind the invoice will not be approved for payment if it is not itemized. If less than three hours were expended by the ad litem, the fee will be paid at the rate of \$150 per hour with the balance of the deposit to be refunded. The average case should not take more than 3 hours. In the event of special circumstances, the ad litem may expend more than three hours. In that event, an itemized invoice should be submitted to the Court with an explanation why the additional time expended was necessary. Just to clarify, this Court has not had a problem with a single attorney over-charging for ad litem services, but the statute makes it clear the "Court Clerk *shall* collect a filing fee, *including a deposit for payment to an attorney ad litem . . .*" (emphasis added).
3. The general rule regarding service of citation for the Texas Estates Code is that "the *sheriff or constable* shall serve the citation or notice . . ." EC §§51.051(b)(1) (emphasis added). The only exception is when "the person to be cited or notified is absent from or is not a resident of this state." EC §§51.051(b)(2).

SIGNED this the 14<sup>th</sup> day of October, 2014.

  
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Judge Melton D. Cude, County Court at Law No. 1

  
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Judge Stephen J. Wren, County Court at Law No. 2