

Updated March 29, 2023

TAYLOR COUNTY CLERK

GUARDIANSHIP FILING FEES & PROCEDURES

Visit our website to search for Probates & Guardianships &/or see index of documents filed in a case: Taylorcountytxas.org; click on County Clerk; choose Search Court and Jail Records. All Probates & Guardianships, filed back to the beginning of Taylor County (late 1800's) are listed on the website. Attorneys may sign up with our County Clerk, Brandi DeRemer, to be able to view documents. Her email address is Brandi.deremer@taylorcounty.texas.gov

Effective January 1, 2022 – SB 41 – Standardized Probate Fees - \$360.00 base filing fee and \$120.00 for filing Actions within an existing cases.

All requests for any kind of issuance (citations, Letters, certified copies, etc.) must be accompanied by a Request for Issuance form – you may use our request form on our website or you may use a cover letter.

COUNTY COURT & COURTS AT LAW

The style of your Application will determine what Court the Guardianship will be filed in. The majority of our Guardianships are filed in the **County Court with Judge Phil Crowley**.

If you would prefer it be filed with a Court at Law, then it will be assigned to the following Court according to the WARD'S last name (eff. date 6/1/2009):

A – K will be assigned to County Court at Law #1 with Judge Robert Harper
L – Z will be assigned to County Court at Law #2 with Judge Harriett L. Haag

INITIAL FILING FEE FOR ALL TYPES OF GUARDIANSHIPS - \$360.00

- You must e-file our required Guardianship Information Sheet (see FORMS on our website – *New Probate/Guardianship Information Sheet*) as a separate lead document. This information is needed for required reports to the local Elections office, DPS & NICS regarding purchasing firearms. Once the case information is entered into the court system, the document will be removed from filing.
- Each document needs to come as a LEAD document. Please do not send as attachments.
- Example:
Application to Appoint Permanent Guardian
Guardianship Information Sheet

Motion to Appoint Attorney Ad Litem (Send Order in a separate envelope, adding Judge's Signature Fee \$2)

Request for Issuance – Add “Issue Citation” x 2 – \$16” and “Service-Sheriff-Posting \$30” and “Service-Constable-Personal \$75”. The majority of personal citations are locally served by our Constable's Office.

Temporary Guardianships

Please see separate instructions listed on our website as *Taylor County Standard Procedures for Filing Temporary Guardianships*

Successor Guardian

****Immediate appointment - After the Application is e-filed**, in a separate envelope you will send each of the following documents as a LEAD document:

Order for Successor Guardian – add \$2 *Judge's Signature Fee*

Oath – signed/notarized

Bond – automatically accesses the \$2 fee (read Note below re: Bond & Oath filed at the same time).

Request for issuance for new Letters - \$2 ea. stating what you want the Clerk to do with the Letters (hold them to be picked up, mail them to you or to your client).

****If Application For Successor Guardian is presented w/Application For Resignation of previous Guardian, you must also send a Request for Issuance – Posted Citation per E.C. 1203.004 – “*Issue Citation \$8*” & “*Service – Sheriff – Posting - \$30*” (see below for filing fees of Final Account/Final Report).**

HEARING DOCUMENTS

The day before the hearing, send each document as a LEAD document. For all Orders, add *Judge's Signature Fee \$2*. Taylor County prefers all Oaths already be signed/notarized. The Oath will become effective upon FILING IT OF RECORD. A Request for Issuance is required for all Letters and/or certified copies. Letters are \$2 each and you will apply the full certified copies fee to “Copies”. Please state on your request what you want the Clerk to do with the Letters or certified copies. The request can come in the same envelope with hearing documents, as another LEAD document.

Example:

Order Appointing Permanent Guardian – add Judge Signature Fee \$2

Oath of Guardian – signed/notarized (read NOTE below)

Bond – automatically accesses \$2 fee when you choose Bond as filing code

Request for Issuance for Letters – add \$2 ea. fee and state what you want the Clerk to do with the Letters (hold them to be picked up, mail them to you, or mail them to your client, etc.).

****NOTE** – if you do not have a Bond and/or Oath ready to send to the Court before the hearing, you will send the Order by itself in one envelope. Then after the hearing & you have obtained the Bond and/or Oath, you will e-file the Bond, the Oath and a Request for Issuance all in one envelope, each as a LEAD document. **Bonds & Oaths must be filed at the same time** so there is no question as to when the Guardian qualified.

Sale of Real Property for a Minor Without Guardianship - \$360.00 (no posted citation required).

Creation of Management Trust for Incapacitated Person Without Guardianship - \$360.00

Request for issuance - *Issue Citation x 2 – \$16, Service – Sheriff – Posting \$30, Service – Constable – Personal \$75 and \$1 per pg. to attach copy of Application to the personal citation*

ADDITIONAL SERVICES

ALL ORDERS - \$2.00 Judge's Signature Fee

Citations by Publication - \$8.00 – the citation will be emailed to the Attorney – if you would like the Sheriff to serve to a local newspaper, it will be the Attorney's responsibility to get it to the Sheriff's office (325-674-1300). The Clerk will post it on the OCA website.

Inventory – *Oct. 1, 2013* - Local Gov. Code 118.052 & 118.056(d) - \$25.00 will be charged **ONLY** if the Inventory is **filed AFTER 90 days** from the date the personal rep. qualified or after the expiration of an extension. **Order - \$2.00**

Amended Inventory - (same as Inventory listed above)

Annual Account - \$25.00 – E-file Order after 10 day waiting period – add Judge's Signature Fee \$2.

Annual Report - \$10 (Send Order in a separate envelope, add Judge's Signature Fee \$2). You may also send a Request for Issuance for new Letters in same envelope.

****NOTE** – For Guardianships of the Person & Estate, all Annual Accounts & Annual Reports must have Orders submitted on the same day, same envelope, each as a LEAD document. You may also send a Request for Issuance for new Letters as another Lead document. Add fees accordingly.

Final Account: \$25.00

If filed w/Resignation of Guardian, a posted citation is required (EC 1203.004)

See TX. Estates Code 124.105 for additional fees required for citations depending on whether or not the Ward is living or deceased. If you would like the clerk to attach a copy of the Final Account to citations, \$1.00 per page of non-certified copies.

Final Account – eff. 9/17/14 – No POSTED citation required (unless Ordered by Judge) EC 1204.101 and 1204.105

Final Account - **\$25.00**

Order For Final Account - **\$2.00**

Ea. heir or beneficiary must be cited by Certified Mail (unless Waivers are filed – No fee for Waivers)

\$8.00 – Issue Citation

\$75.00 – Service – Certified Mail (if mailed by the County Clerk)

\$1.00 per page to attach non-certified copy of Final Account to ea. citation

Final Report: \$10.00 – If filed w/Resignation of Guardian – a posted citation is required

NOTE: For Guardianships of the Person & Estate, the Orders for a Final Account & a Final Report must be submitted the same day, same envelope, each as a LEAD document. Add Fees accordingly.

Application to Sell Real Property - \$25.00

Citation by Posting – Issue Citation **\$8.00**, Sheriff – Service – Posting **\$30.00**

Order of Sale - **\$2.00**

Report of Sale – no charge

Decree Confirming Sale - **\$2.00**

Application to Sell Personal Property

See above – Real Property

Oppositions/Contests/Adverse Probate Action - \$120.00 – SB 41 – eff. 1/1/2022 –In E-file this is listed as *Counter Claim/Cross Action/Intervention/Third Party/Contest*

Motion for a New Trial - \$120.00 – SB 41 – eff. 1/1/2022. E-file does not have a standard filing code or fee for Probate, per Texas Judicial Branch, so you must send a check ASAP.

Posted Notice with Intention to Take Deposition - \$38.00 + copy fee

Issue Citation \$8, Service – Sheriff – Posting - \$30 and \$1.00 per page to attach plain copy of the Pleading.

ISSUANCE OF ADDITIONAL CITATIONS & SUBPOENAS

\$1.00	per page to attach copy of pleading
\$8.00	for issuance – returned to attorney
\$8.00	Citation by Publication – emailed to the Attorney – <i>See Above</i>
\$30.00	Service – Sheriff – Posting
\$75.00	Service – Constable – PERSONAL CITATION (plus copy fee)
\$100.00	Service of Subpoena LESS than 5 days (plus copy fee)
\$75.00	Service of Subpoena MORE than 5 days (plus copy fee)
\$75.00	Service – Certified Mail – citation will state 20 days , not 10 days (plus copy fee)

Temporary Restraining Order: \$2.00 for Order (Judge’s Signature)

Issue TRO Citation - \$8.00

Service – **Constable**– Personal - \$75.00 (Taylor County service only)

\$1.00 per page to attach copy of the Application & Order

Jury Fee revised by SB 41 – Effective 1/1/2022 – all new case filings collect \$10 which is applied to the County Jury Fee Fund – All Jury demands must still be in writing & the case will be flagged to show the Court.

Claims - \$10.00

Letters of Guardianship: \$2.00 each

Certificate of Temporary Guardianship: \$2.00 ea. plus cost of certified copy of Order attached to each Certificate (\$1.00 per pg. + \$5 certification – apply full fee to “Copies”)

Copies - \$1.00 per page **Certified copies:** add \$5.00 to total of pgs. for certification

Exemplified copies: \$1.00 per pg; add \$5.00 for certification & \$2.00 for Judge’s Signature

LOCAL GOV. CODE, HB 1404, EFFECTIVE 09-01-2005 states

“Adds fee of \$25.00 for any document with 25 or more pages that is not listed in current statute, after the filing of an order approving inventory and appraisal or after the 120th day after the date of the initial filing of the action”.

Listed in E-file, Additional Services as “Document Over 25 pages”.