

UPDATED: March 29, 2023

TAYLOR COUNTY CLERK **PROBATE FILING FEES & PROCEDURES**

Visit our website to search for Probates &/or see index of documents filed in a case Taylorcountytexas.org; click on County Clerk; choose Search Court and Jail Records. All Probates, filed back to the beginning of Taylor County (late 1800's) are listed. 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 Probate will be filed in. The majority of our Probates 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 first initial of the DECEDENT'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 PROBATE FILING FEE FOR ALL TYPES OF PROBATE - \$360.00

- You must e-file our required Probate 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 and the Secretary of State. 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 Probate Will
Image of the Last Will and Testament (if you have a Codicil, scan it behind the Will)
Probate Information Sheet
Request for Issuance – Add “Issue Citation \$8” and “Service-Sheriff-Posting \$30”

Independent Administrations & Determination of Heirship Proceedings:

- Must follow **EC 401.003(b)** (Heirship proceeding before an Independent Administrator is Appointed).
- **EC 202.009** Have an Attorney Ad Litem Appointed. Orders must come in a separate envelope, add **\$2 Judge's Signature Fee**
- **EC 202.052** Request issuance of a Citation by Publication (**\$8.00 issuance fee**). The citation by publication will be emailed to you. If you want the Taylor County Sheriff to deliver it to a local newspaper, you will be responsible for getting it to them. Their phone number is (325-674-1300). The Clerk will post the citation by publication on the OCA website.
- If both Applications (see next) are filed at the same time, then only ONE posted citation will be required (the Clerk will address both Applications on one posted citation). You must send a Request for Issuance - add **Issue Citation - \$8.00 and Service- Sheriff- Posting \$30 fee.**
- Eff. 1/6/2022 - Taylor County Court requires one Application for Administration and a separate Application for Determination of Heirship, as well as an Order Granting Administration and a separate Judgment Determining Heirship. Combined Applications and Orders will be rejected.

As of Sept. 1, 2007, H.B. 3787 – **NO FEE for members of the Armed Forces of the United States who died while serving in a combat zone.**

As of Sept. 1, 2011, S.B. 543 – **NO FEE for Estates of certain law enforcement officers & firefighters if they died in the line of duty.**

HEARING DOCUMENTS

The day before the hearing, send each document as a LEAD document in one envelope. For all Orders, add *Judge's Signature Fee* \$2. Taylor County prefers all Proofs of Death and 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. You cannot just add the fee. 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:

Proof of Death and Other Facts – signed/notarized

Order Probating Will for Letters Testamentary – add Judge's Signature Fee \$2

Oath of Independent Executor – signed/notarized

Request for Issuance – 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 a Bond is requested, you will add it also as another Lead document (\$2 fee will automatically access when you choose Bond as filing code). If you do not have a Bond and/or Oath ready to send with the hearing documents, you will submit them later, in the same envelope, each as a Lead document & you can add a Request for Issuance of

Letters also. **The Bond & Oath must be filed at the same time** so there is no question as to when the Administrator qualified.

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.

Final Account – eff. 9/17/14 – **No POSTED citation required (unless Ordered by Judge)** EC 362.003 and 362.005

Final Account - **\$25.00**

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

Ea. heir or beneficiary must be cited by Certified Mail: **Estates Code 362.005** (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

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 – *See Above*
\$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

Letters of Testamentary & Administration - \$2.00 each

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

Probate Searches: \$5.00 per name or go to taylorcountytexas.org – under *I Want To* - click on *Search Court and Jail Records*/search by PARTY (Decedent’s name). All Probates filed back to the beginning of Taylor County (late 1800’s) will be listed.

Filing Wills for Safekeeping - \$11.00

To Withdraw a Will from Safekeeping - \$5.00

Surrendering a Will of a Testator who is Deceased & Withdrawing a Will that has been surrendered – NO FEE

Letters Testamentary & Administration: \$2.00 each

Letters of Temporary Administration: \$2.00 ea. plus cost of a certified copy of the Order attached to each Letter (\$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 appraisalment
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”.