

COURT PROCEDURES FOR PROBATE HEARINGS:

- To schedule a Probate hearing, please contact the Court Coordinator, Angela Gschwend, by e-mail at AGschwend@lubbockcounty.gov
- The Court Coordinator will provide you with available dates and times via e-mail. These settings are first-come, first-served when provided.
- Notify the Court Coordinator if your hearing is contested. Extra time will be scheduled.
- **Probate hearings are held in person.** The County Court will accommodate applicants who would otherwise travel long distances with a Zoom link. Any request for remote participation by the applicant or witnesses must be scheduled by the attorney with the Court Coordinator no later than 48 hours prior to the scheduled hearing. It is the responsibility of the attorney to ensure that the applicant has a working knowledge of Zoom prior to the hearing. **Attorneys are expected to attend in person.**
- **Wills** must be physically on file in the clerk's office prior to scheduling a hearing. Please review: Texas Rules of Civil Procedure, Rule 21 (f) (12).
- If you are probating a copy of a will, the copy must be physically filed with the County Clerk.
- File proposed orders 48-72 hours prior to the hearing for preview.
- File the proof of death and other facts within 20 days following the hearing. Do not execute any documents (i.e. oath and proof, etc.) prior to an order being signed. No duties are created until after the executor/administrator has been appointed. (Estates Code 305.002)
- Independent Administrations with a Will - consent from all heirs must be filed prior to the hearing or all heirs must give live testimony at the hearing.
- Independent/Dependent Administrations without a Will - if the decedent died intestate or partially intestate, the Court **requires** an heirship determination NO LATER THAN 30 DAYS following the Administration hearing. **Both Administration and Heirship may be done simultaneously. This is highly encouraged.**
- To request the next **attorney ad litem on our probate wheel**, please contact the Court Coordinator prior to filing your Order Appointing Ad Litem. You must add the attorney ad litem to the service contacts in E-File. This is how the attorney ad litem is notified of his/her appointment. The Court is not notified when an ad litem is *requested* in your filings.
- AAL submits their report no later than 48 hours prior to the hearing.
- Applicant's attorney files the signed Court Instructions after the hearing. You may find these instructions on our website.

MOTIONS THAT DO NOT REQUIRE A HEARING:

- Unopposed continuances
- Unopposed motions to substitute/withdraw counsel- agreed by both parties and client
- Motion for substitute service- unless specified by court
- Agreed Judgments