



**Hon. Jerry W. Simoneaux, Jr.**  
Presiding Judge

## **Heirship and Administration Checklist**

Updated February 1, 2022

Please be sure to complete the following *prior* to your heirship / administration hearing:

### **For Heirships:**

- Application is verified by the applicant [§ 202.007]
- Notice Requirements
  - Return of Citation by mail on known persons [§ 202.051] is on file
    - Distributees age 12 and over; or
    - Parent, conservator, or guardian of distributee under 12
  - Waivers of Citation (in lieu of Citation by mail above) [§ 202.052] are on file
    - Signed by persons 18 years of age or older
    - Parent, conservator, or guardian of a distributee under 12
    - NOTE: minors aged 12-17 cannot waive citation.
  - Return of Citation by Publication requested and issued [§ 202.052; see also § 51.054(a)] is on file
    - Newspaper; and
    - Office of Court Administration
  - Notice of hearing SHALL be served on all interested persons who file a notice of appearance [TRCP 21]
- Complete and file the Affidavit of Service of Citation [§ 202.057]

Proposed Witness Testimony is filed (for in-person hearings only. Not required for remote hearings)
- Proposed Order filed
  - Should be signed by the applicant's counsel and the attorney ad litem
  - Shares should be represented in fractions, not percentages.

### **For Administrations:**

- Citation by Posting has been requested and received. [§ 303.001]
  - Hearing request is for a date after the return date
- Consents to Independent Administration (if applicable) [§ 401.003]
  - NOTE: Distributees must agree to the independent administration and designate a qualified person, firm, or corporation to serve without bond. Merely stating that an independent administration is in the best interest of the estate and NOT designating a person, firm, or corporation to serve without bond is not a proper Consent. [§ 401.003(a)]
  - ALSO NOTE: the APPLICANT must execute a consent if she/he does not sign the application
- Notice Requirements
  - Independent Administrations:
    - All distributees SHALL be served with Citation and Notice unless such person waives citation and notice (of the hearing date) or enters an appearance. [§ 401.004]
  - Dependent Administrations
    - A copy of the application SHALL be served by certified mail return receipt requested or by e-service on all persons who have an equal or higher right to serve: See TEC 304.001 for order of persons qualified to serve
      - Proof of notice to such person shall be e-filed
  - Notice of hearing SHALL be served on all interested persons who file a notice of appearance [TRCP 21]
- Proposed Order filed

For more information, please review “Pro Tips in Heirships” at <https://youtu.be/eNfQJOnzQF0>