

**RULES OF COURT
ARANSAS COUNTY COURT AT LAW**

The following local rules governing the practice in the Aransas County Court at Law (hereinafter referred to as “the Court”) have been adopted.

The County Clerk and the District Clerk of Aransas County shall publish these Rules on the Office of Court Administration’s website and make available to each attorney practicing in the Court.

I. JUDICIAL ADMINISTRATION

Rules 1.10 Judicial Vacation

Whenever the Judge anticipates absences of more than five (5) consecutive days, then the Judge may inform the Presiding Judge of the Fourth Administrative Region so that a visiting Judge may be assigned to the court.

Rule 1.11 Court Sessions

The Court’s schedule shall be set according to a published calendar. The Court shall publish an annual calendar showing the weeks of jury trials. The Court’s calendar shall be available to the litigants, their attorneys and to other persons on the website of the Aransas County Court at Law, <https://www.aransascountytexas.gov/courtatlaw>.

II. CIVIL CASES

Rule 2.10 Time Standards for Case Disposition

The Court adopts as a goal the time standards for disposition of cases as established by Rule 6.1(a) and 6.1(b) of the Texas Rules of Judicial Administration as stated below:

a) Civil Cases Other Than Family Law.

(1) Civil Jury Cases: Within 18 months from appearance date.

(2) Civil Nonjury Cases: Within 12 months from appearance date.

b) Family Law Cases

(1) Contested Family Law Cases: Within 6 months from appearance date or within 6 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

(2) Uncontested Family Law Cases: Within 3 months from the appearance date or within 3 months from the expiration of the waiting period provided by the Family code where such is required, whichever is later.

Rule 2.11 Settings

Uncontested civil cases may be set upon request to the Court Manager's office from any party or by the Court. Such request may be made by email, by letter, or by Motion to Set. Notice of such Motion or request shall be sent to all other counsel in the case by the requesting party.

Contested civil cases may be set by request from any party by Docket Control Conference through the Court Manager's office.

Rule 2.12 Docket Control Conference

Docket Control Conferences will be held by telephone call. The Court Manager will notify all attorneys of record and pro se parties of the date and time of the conference call, and will designate the party responsible for arranging the call.

When the attorney in charge for either party, or a pro se litigant, after notice and without good cause, fails to be available for a Docket Control Conference, the Court may:

1. Make all scheduling decisions and rule on all motions, exceptions or other matters in the absences of such counsel;
2. Declare any motions or exception of an absent party waived;
3. Set or delay the trial setting or other such schedule matters, or decline to set the case for trial, or cancel a setting previously made, according to the convenience of counsel present;
4. Pass and reset the Docket Control Conference, in which case the party represented shall be entitled to recover their reasonable attorney's fees and expenses; or
5. Have the case set for Dismissal or schedule the matter for Dismissal for Want of Prosecution.

The Court Manager will prepare a Docket Control Order and the Court will sign the same which recites any action taken or agreements reached at the scheduling conference, and such order when entered, shall control the subsequent course of action.

Rule 2.13 Ex Parte Relief

All applications for ex parte relief shall state whether or not, within the knowledge of applicant and his attorney, the opposing party is represented by counsel, and if so, the name of such counsel.

Rule 2.14 Dismissal Docket: Involuntary Dismissal

If there are no proceedings or activity in any case during the previous six (6) months, the case may be subject to dismissal for want of prosecution in accordance with Rule 165a of the Texas Rules of Civil Procedure. The Clerk will send Notice of Intention to Dismiss such case to each attorney and pro se party in the case.

Rule 2.15 Suspense Docket

If a case has been abated for any reason the case shall not be dismissed but shall be suspended until it can be determined whether the Court may proceed. A Review Hearing shall be set periodically for status updates.

Rule 2.16 Pre-Trial Motions and Hearing

At least 7 days before the Pre-Trial Hearing all parties shall present to all other parties their exceptions, motions and dilatory pleas, including Motions in Limine and Motions for Continuance. Such matters will be ruled on by the Court at Pre-Trial. If such exceptions, motions and pleas are not raised or filed in a timely manner, they will not be allowed to be raised or filed except by permission of the Court for good cause shown. Each party shall also present its Witness List with contact information and Exhibit List to opposing counsel at or before the Pre-Trial Hearing, or such witnesses or exhibits will not be permitted at trial except by permission of the Court for good cause shown.

All parties shall be required to attend Pre-Trial hearings and will be expected to advise the Court which issues will be disputed and will be expected to be familiar with authorities applicable to questions of law thereby raised. Counsel and pro se parties attending the Pre-Trial Conference shall be the person who is expected to try the case, or shall be familiar with the case and fully authorized to state the party's position on the law and facts, make stipulations and enter into settlement negotiations. Should the Court find that counsel is not so qualified, it may consider that no counsel has appeared.

Rule 2.17 Disposition Motions and Other Preliminary Matters

Preliminary matters may be disposed of either by hearing before the Court or upon written submission of authorities by counsel. A hearing or submission date will be given upon request made to the Court Manager by email. The requesting party must properly notify all parties of the hearing or submission date and certify to such notice when the Motion is submitted.

Rule 2.18 Motions for Severance

When a Motion to Sever is sustained a Bill of Cost will be generated by the Clerk of Court and emailed to the Movant. The severed claim will be filed as a new case in the same court and shall be given a new suffix number or letter by the Clerk. The original case from which the claim is severed shall retain the original number given it by the Clerk.

Rule 2.19 Motions for Default Judgment

After the appearance date of the defendant in a case has passed, a Motion for Entry of Default Judgment may be filed with a proposed Judgment. The Court Manager should be contacted by email if a hearing is desired.

If the claim is unliquidated then affidavits or testimony at a hearing may be made the basis for a judgment by the Court.

If a claim is liquidated and evidenced by documents filed, no hearing is necessary.

Rule 2.20 Motions for Summary Judgment

All motions for summary judgment will be set by submission only, unless otherwise approved by the Court. A submission date will be given upon request made to the Court Manager. The moving party must properly notify all parties of the submission date and certify to such notice when the Motion is submitted. Courtesy copies of all motions, responses and replies shall be mailed or emailed to the Judge prior to the submission date.

Rule 2.21 Motions for Referral of Disputes to Alternative Dispute Resolution

The Court may, on its own motion or the motion of any party, refer a pending dispute to alternative dispute resolution (ADR) as provided for in Chapters 151, 152, or 154 of the Texas Civil Practices and Remedies Code. The Court shall appoint a mediator unless counsel have agreed upon a mediator.

Any party may, within 10 days after receiving notification of referral, file a written objection which sets forth a reasonable basis for the party's objection to referral and the same shall be forthwith set by the Judge for hearing.

Rule 2.22 Discovery Motions

All counsel are expected to engage in good faith negotiations pursuant to the discovery and deposition rules of the Texas Rules of Civil Procedure. Motions for discovery, for protection, to quash interrogatories or requests for sanctions may be heard at any time subject to Rule 2.18 above. All discovery motions or requests for hearing relating to discovery must contain a Certificate of Conference pursuant to Rule 191.2 of the Texas Rules of Civil Procedure.

Rule 2.23 Settlements

All counsel and pro se parties are urged to make a bona fide effort to settle cases before trial day.

When a case is settled or dismissed, counsel shall give notice to the Court Manager as soon as possible and submit a Non-suit or Agreed Judgment prior to the trial date so as to not interfere with the efficiency of trial date procedure and to provide parties in other trial cases as much advance notice as possible.

The Court requires the presence of counsel and the parties at the time for which trial is set if no documentary evidence of settlement or dismissal has been approved by the Court before the trial date. Delays for settlement discussions on trial day will not be permitted.

Rule 2.24 Interpreters for Witnesses

In any case where a witness does not speak English, the attorney presenting such witness shall make provision for a properly qualified interpreter to be present at the time of such witness's testimony.

III. PROBATE CASES

Rule 3.10 Probating a Copy of a Lost Will or Lost Will Without a Copy

The Court signed an *Administrative Order Regarding Notice Requirements for an Application to Probate a Copy of a Lost Will or Lost Will Without a Copy*. (Attached Exhibit "A").

IV. FAMILY LAW CASES

Rule 4.10 Standing Order

Parties in every divorce suit, suit affecting the parent-child relationship, and any modification suit are subject to the *San Patricio, Aransas, Bee, Live Oak and McMullen County Family Law Courts Standing Order Regarding Children, Property, and Conduct of the Parties*. (Attached Exhibit “B”).

Rule 4.11 Parent Education and Family Stabilization Course Required

All parties seeking access to a child, or seeking appointment as a conservator (whether joint, sole or possessory) shall complete a Parent Education and Family Stabilization Course pursuant to §105.009 of the Texas Family Code and the *San Patricio, Aransas, Bee, Live Oak and McMullen County Family Law Courts Standing Order Regarding Persons Seeking Conservatorship in Family Law Cases*. (Attached Exhibit “C”). This course must be completed prior to the matter being set for trial.

A list of course providers can be found on the website of the Aransas County Court at Law, <https://www.aransascountytexas.gov/courtatlaw>.

Rule 4.12 Trial Settings

To expedite trials, it shall be the duty of each attorney, or pro se party, to confer prior to trial with each other attorney, or pro se party, regarding settlement, stipulations, estimated time of trial, waiver of jury, the extent, description, character and value of property in question, amount of support, conservatorship, periods of possession and/or access rights, duties and powers of the conservators, and contested issues.

Trial settings shall be made as set out in Rule 2.11 herein.

Rule 4.13 Child Support

Child support payments are to be ordered withheld from the obligor’s earnings. The name and address of the obligor’s employer must accompany any order for withholding income for child support.

Rule 4.14 Bureau of Vital Statistics Form

At the commencement of all family law cases (excluding adoptions) the BVS form titled Information on Suit Affecting the Family Relationship (VS-165) shall be completed and filed with the original petition. This form can be found at the Aransas County District Clerk’s website: <https://www.aransascountytexas.gov/districtclerk>.

Rule 4.15 Property Division

In all cases requiring a division of property and/or liabilities the parties shall each exchange with each other and file with the court sworn inventories. Each inventory shall list the value of each item of property and shall list each liability, the number of period payments in arrears, if any, the property securing its payments, and the name of the creditor. Any property or liability claimed to be separate shall be so characterized.

Each attorney or pro se party shall submit a proposed property division, including property claimed or recognized as separate property, to the Court and opposing counsel at least 5 days before trial.

Rule 4.16 Action on Cases Pending in District Court

See *Policies and Procedures for the Judge of Aransas County Court at Law's Actions on Cases Pending in District Court in Aransas County*. (Attached Exhibit "D").

V. CRIMINAL CASES

Rule 5.10 Arraignment

When the Court receives notice that a case has been filed, the Arraignment date will be scheduled to occur within 20 days, or as soon thereafter as possible.

An attorney representing a defendant may file a Waiver of Arraignment, using either the Court's form available on the County Court at Law website (<https://www.aransascountytx.gov/courtatlaw>), or on their own form so long as it contains a statement entering the defendant's plea to the charge(s). Filing a waiver excuses the appearance of the attorney and defendant at the Arraignment only.

Rule 5.11 Pre-Trial Hearing & Plea Deadline

Pre-Trial Hearing & Plea Deadline will be scheduled to occur approximately four weeks after Arraignment. This setting will be noticed on the original setting notice along with the Arraignment setting and cannot be waived or passed. A trial date will be set if the case is not resolved at this appearance.

Defense counsel and counsel for the State are encouraged to discuss resolution of the matter in good faith prior to the Pre-Trial Hearing & Plea Deadline.

Between Arraignment and the Pre-Trial Hearing & Plea Deadline, the Court expects the parties to:

1. Diligently continue their investigations into the matter;
2. Obtain and prepare evidence in admissible form;
3. Timely share with one another all information required by law; and
4. Communicate with one another about resolution.
- 5.

Pleas will be accepted at anytime convenient to the parties and the Court. You may contact the Court Manager by email to request a hearing date.

Rule 5.12 Court Appointed Attorneys for Indigent Criminal Defendants

If a defendant cannot afford an attorney but desires to be represented, the defendant must complete an Affidavit of Indigence. This form can be found under the Forms section of the Collections Department (<https://www.aransascountytexas.gov/collections>). If the Defendant is found to be indigent, then an attorney will be appointed. Indigent appointments are made in accordance with the Aransas County Indigence Defense Plan which may be found at www.tidc.texas.gov.

Rule 5.13 Appearance of Defendants and Counsel

In criminal cases all defendants and their attorneys must be personally present in court during Arraignment and Pre-Trial Hearing unless appearance has been waived by the Court in advance.

If the case has been filed, attorneys are required to e-file an appearance upon being retained. If the case has not been filed, attorneys are required to notify the Court, the County Clerk, and the County Attorney's Office by email.

Rule 5.14 Interpreters

If an interpreter is required for Arraignment or Pre-Trial Hearing, then counsel for Defendant is required to notify the Court Manager by email at least 48 hours before each setting with their request to ensure a remote interpreter can be scheduled with the Office of Court Administration.

An interpreter for trial must be requested by filing a motion at least seven days prior to the Pre-Trial Hearing in accordance with the Texas Code of Criminal Procedure Art. 28.01 §2.

Rule 5.15 Felonies

No felony arraignments, pretrial hearings or guilty pleas will be heard by the County Court at Law without written concurrence of 2/3 of the District Judges who preside in Aransas County pursuant to *Policies and Procedures for the Judge of Aransas County Court at Law's Actions on Cases Pending in District Court in Aransas County, Texas*. (Attached Exhibit "D").

VI. RULES APPLICABLE TO ALL CASE TYPES

Rule 6.11 Request for Preferential Setting

Cases may be set for preferential setting by filing a request in writing, which will be ruled on by submission.

Rule 6.12 Motions for Continuance

Any grounds for continuance of a trial setting must be presented to the Court at least ten (10) days prior to the trial setting or at Pre-Trial Conference, except by permission of the Court with good cause shown.

No Motion for Continuance of a trial setting, including joint or agreed motions of all parties, shall be effective without the Court's consent. Upon granting a Motion for Continuance, a setting conference shall immediately be held and the Order granting such Motion for Continuance shall contain an Order resetting the case for trial. All other deadlines remain intact unless amended by the Court.

Rule 6.13 Conflicting Engagements of Counsel

When a Motion for Continuance is made on the basis that counsel already has a setting in another court, such motion should include a copy of the other court's setting notice as an exhibit to the motion, and should include the estimated length of time the attorney will be unavailable to this Court. The Court reserves the right to verify that appearance of counsel is necessary in another Court.

Movant shall attempt to contact opposing counsel, or pro se party, prior to filing the motion and include a statement to indicate whether they are, or are not, in agreement with the requested continuance.

Each attorney shall be responsible for disclosing to the Court Manager or Judge any conflicting engagements of counsel that may interfere with a trial setting or hearing at the Docket Control Conference. Tentative schedules in another Court will not be grounds for granting a continuance. In the event the case in the other court is passed, continued or disposed prior to or during the week in which the case is set for trial in this Court, the attorney shall immediately notify the Court and opposing counsel of such fact.

In case of such conflicting settings, the Court whose date of setting is the earliest has preference; except in cases that another rule dictates priority.

Rule 6.14 Witnesses/Exhibits

On the day of trial cases shall be ready in all respects, with witnesses and other evidence available so that the trial may proceed without delay and/or interference. Insofar as is possible, counsel for the party shall pre-mark for identification all items to be introduced into evidence and shall notify the Court as to those items upon which counsel can agree may be admitted into evidence without objection.

Rule 6.15 Jury Management

During all weeks in which cases are set for trial, juries will be summoned for 9:00 a.m. on Monday, or at other appropriate times, as ordered by the Court, and will be subject to assignment during the ensuing week.

Attorneys and their client must be present in court by 8:30 a.m. each trial day to resolve any pending matters before the jury arrives.

Rule 6.16 Jury Charges

An agreed jury charge, with questions and instructions that may be reasonably anticipated, should be prepared and submitted to the Court at least five (5) days in advance of trial. If the parties cannot agree, then each side shall prepare their own proposed jury charge and submit it to the Court in an editable format via email to the Court Manager and opposing counsel by email.

VII. COURT PERSONNEL

Rule 7.10 Bailiff Duties

The Bailiff shall see that the flag of the United States and the flag of the State of Texas are properly and prominently displayed at some appropriate place in the courtroom.

Immediately before the scheduled time for the beginning of court sessions, the Bailiff shall direct all court officers and spectators to their seats and shall bring Order. As the Judge enters the courtroom the Bailiff shall state, "Everyone please rise." While everyone is still standing he shall make an appropriate announcement such as "The Aransas County Court at Law is now in session, the Honorable _____, Judge Presiding." If the Judge does not seat the persons assembled, the Bailiff will then say "Be seated please."

VIII. ATTORNEY DUTIES

Rule 8.10 Attorneys – Attorney Vacations

Vacation letter setting the days an attorney will be unavailable due to vacations shall be sent to the Court Manager and filed with the clerk of court as soon as attorneys know of vacation days. If there is a prescheduled trial or hearing date, a Motion for Continuance must be filed and said continuance may be granted at the discretion of the Judge. If a setting is made after a vacation letter has been received by the Court Manager said attorney may request a reset without a Motion for Continuance. At their discretion, the Judge may recognize another time for the designated vacation period. The Court will not recognize more than 30 days of vacation per calendar year.

Rule 8.11 Attorney Withdrawal

No attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the Court an Order Granting Leave to Withdraw. Such leave may be denied where the Motion is presented so near a hearing or trial date as to require delay of the trial.

If another attorney is not to be substituted as the attorney of record, the motion shall state: that a copy of the motion has been delivered to the party; that the party has been notified in writing of his right to object to the motion; whether the party consents to the motion; the party's last known address and all pending settings and deadlines.

If the client consents to withdrawal then such motion shall include their signature. If the client doesn't consent to withdrawal, then a hearing must be set on the motion.

If the motion is granted, the withdrawing attorney shall immediately notify the party in writing of any additional settings or deadlines of which the attorney has knowledge at the time of the withdrawal and has not already notified the party. The Court may impose further conditions upon granting leave to withdraw. Notice or delivery to a party shall be either made to the party in person or mailed to the party's last known address by both certified and regular first class mail.

IX. DECORUM IN THE COURTROOM

Rule 9.10 Rules of the Courtroom

All officers of the Court, except the Judge and jurors, and all other participants, except witnesses who have been placed under the Rule, shall promptly enter the courtroom before the scheduled time for each court session.

Rule 9.11 Prohibited Conduct in the Courtroom

In the courtroom there shall be:

- A. No tobacco used;
- B. No chewing gum;
- C. No reading of newspapers;
- D. No beverages except bottled water and cups with lids;
- E. No food;
- F. No propping of feet on tables or chairs; and
- G. No noise or talking which interferes with court procedure.

Rule 9.12 Appropriate Communications

The Judge, the attorneys, and other officers of the Court will refer to and address other court officers and other participants in the proceedings respectfully and impersonally, as by using appropriate titles and surnames rather than first names.

Attorneys should observe the letter and spirit of all canons of ethics including those dealing with discussion of cases with representatives of the media and those concerning improper ex parte communications with the Judge.

Rule 9.13 Administering the Oath

The oath will be administered in a manner calculated to impress the witness with the importance and solemnity of the promise to adhere to the truth.

Rule 9.14 Dress Code

In order to promote judicial decorum male attorneys shall wear coats and ties and female attorneys, non-attorneys, and court officials shall dress in a consistent manner. No flip flops, shorts, sleeveless shirts or bare feet will be allowed in the courtroom.

Rule 9.15 Conduct of Attorneys

Attorneys should advise their clients and witnesses of the local Rules of Decorum that may be applicable.

All objections, arguments and other comments by counsel shall be directed to the Judge or jury and not to opposing counsel.

Attorneys should not approach the bench without leave of the Court and must never lean on the bench, stack papers or place books on the bench without permission.

Attorneys shall remain seated at the counsel tables at all times except:

- A. When the Judge enters and leaves;
- B. When addressing the Judge or jury;
- C. Whenever it may be proper to handle documents, exhibits, or other evidence; and
- D. When making an objection.

Attorneys should anticipate any need to move furniture or electronics and should make advance arrangements with the bailiff. Tables should not be moved during court sessions.

Rule 9.16 Electronics in the Courtroom

All cell phones and other electronics shall be turned off while in the courtroom. Attorneys may utilize electronics for the purposes of the proceeding in progress, but all sound must be off.

X. COURTROOM SECURITY

Rule 10.10 No Weapons

No weapons shall be carried into the courtroom.

Rule 10.12 Reporting Security Threats

If a security concern is known in advance then officers of the Court must immediately notify the Court Manager of the concern. If the issue arises immediately before, during, or after a hearing, then notice shall be made to the Bailiff.

XI. MISCELLANEOUS LOCAL RULES

Rule 11.10 Attorneys Ad Litem and Amicus Attorneys

The Judge may appoint Attorneys Ad Litem, Guardians Ad Litem and Amicus Attorneys upon request by a party or on the Court's own motion. The request may not be made by any person interested in being appointed.

Rule 11.11 Judgment and Orders

All orders and judgments must be submitted to the Court for entry within seven (7) days from the date of the hearing or decision by the Court.

Rule 11.12 Photography or Recording in the Courtroom

The use of cameras, tape recorders or recording devices of any kind in the courtroom , except by the Court Reporter, will not be permitted, except with specific approval by the Judge.

CONCLUSION

Nothing herein provided shall be construed to modify or supersede any provision of the Texas Rules of Civil Procedure, the Texas Code of Criminal Procedure, the Rules of the State Bar of Texas, or any statute in Texas, nor do the foregoing rules apply to the manner of obtaining extraordinary relief that may not be practicably handled in accordance with these rules.

Effective this 21st day of June, 2023.



JUDGE RICHARD P. BIANCHI

CERTIFICATE OF APPROVAL

As Presiding Judge of the Fourth Administrative Judicial Region, I hereby approve the enclosed Rules of Court for the Aransas County Court at Law.

Signed this 22nd day of June, 2023.



SID HARLE, PRESIDING JUDGE

ADMINISTRATIVE ORDER

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**IN THE COUNTY COURT AT LAW
OF
ARANSAS COUNTY, TEXAS**

**SECOND AMENDED ADMINISTRATIVE ORDER REGARDING
NOTICE REQUIREMENTS FOR AN APPLICATION TO PROBATE
A COPY OF A LOST WILL OR A LOST WILL WITHOUT A COPY**

In January 2005, this Court found there was a need for an administrative order regarding notice to interested parties when an application is filed to probate a copy of a lost will or codicil, or to probate a lost will or codicil without a copy (hereafter “lost will”). It has come to the Court’s attention that the 2005 Administrative Order requires amendment to protect all parties interested in an estate.

The Court finds as follows:

1. Texas Estates Code §256.054 requires that an application for the probate of a lost will must include information concerning the reason the original instrument cannot be produced and must also include the names of the devisees included in the lost will and the names of the individuals who would inherit if the copy of the lost will were not admitted to probate.

2. Texas Estates Code §258.002 requires that when a will cannot be produced in Court, the Clerk shall issue citation to all parties interested in the estate, which citation shall contain substantially the statements made in the application for probate as well as the time when, place where, and the court before which such application will be acted upon. When there is an application to probate a lost will, “all parties interested in the estate” includes both the devisees included in the will and the individuals who would inherit by intestacy if the copy of the lost will were not admitted to probate.

3. The statutorily required citation is insufficient to advise heirs of their right to object to an application to probate a lost will. As authorized by Texas Estates Code §51.151, explicit notice of their right to object should be given to all heirs, either attached to all citations prepared by the Clerk or included as part of all waivers of citation.

4. For applications that would result in a full or partial intestacy if the lost will were not admitted to probate, an attorney ad litem should be appointed to ensure that all heirs are identified and noticed as well as to protect the interests of any heirs who cannot be located and any heirs with a legal disability. When a valid original codicil specifically republished a lost will, an attorney ad litem will not need to be appointed because of the lost will.

It is therefore ORDERED that when an application is filed to probate a lost will:

1. If a full or partial intestacy will result if a lost will is not admitted to probate, the Court will appoint an attorney ad litem under Estate Code §53.104 to represent the interests of a testator's unknown heirs or heirs having a legal disability. When a valid original codicil specifically republished a lost will, an attorney ad litem will not need to be appointed because of the lost will.

2. If an attorney ad litem needs to be appointed:

a. The applicant must deposit funds toward the services of the attorney ad litem as required by Administrative Order.

b. The applicant must provide the Clerk with copies of the application and the will to be sent to the attorney ad litem.

3. The Clerk must attach to each citation issued under Texas Estates Code §258.002 the "Notice of Application to Probate Copy of Lost Will or Codicil or Lost Will or Codicil Without a Copy" that is attached to this Order, informing all persons interested in the estate of their right to object to the probate.

4. All persons who are named as devisees in the lost will must be personally served with citation under §258.002 or must execute an affidavit waiving citation.

5. All persons who would inherit as an heir of the testator if the lost will is not admitted to probate must be personally served with citation under §258.002 or must execute an affidavit waiving citation. If the lost will is a codicil to an original will, the beneficiaries of the testator's original will, instead of the testator's heirs, must be personally served with citation under §258.002 or must execute an affidavit waiving citation.

6. When an heir or a devisee executes an affidavit waiving citation, the affidavit itself must explicitly include all of the points addressed in the "Notice of Application to Probate Copy of Lost Will or Codicil of Lost Will or Codicil Without a Copy" attached to this Order. It is not sufficient for the affidavit to refer to an attached notice.¹

Signed on June 21, 2023.



JUDGE RICHARD P. BIANCHI

¹A sample affidavit waiving citation is attached to this Order. The court does not require the use of this specific form, but the Court prefers that attorneys adopt this form affidavit to ensure all necessary information is included.

**NOTICE OF APPLICATION TO PROBATE COPY OF
LOST WILL OR CODICIL OR LOST WILL OR CODICIL WITHOUT A COPY**

You are notified that an application has been filed in this Decedent's estate to probate a written will or codicil even though the applicant cannot produce the original will. The Application filed in this estate seeks either to probate a copy of a lost will or codicil or to probate a lost will or codicil without a copy (all referred to below as "lost will").

When an original will cannot be produced, the law presumes that the testator (the person who wrote the will) revoked the will before the testator's death. The Court will not grant the application in this case unless the applicant offers sufficient evidence to rebut the presumption and proved to the Court that the will was not revoked, even though only a copy has been filed.

If no will is admitted to probate, Decedent's property will pass to Decedent's heirs. If a lost codicil to a valid original will is not admitted to probate, Decedent's property will pass to the devisees (beneficiaries) names in the valid will. Therefore, your rights to inherit property may be affected by the probate of the lost will either (1) as an heir of the Decedent, or (2) as someone who is named as a devisee in the Lost will, or (3) as a devisee in a valid will when there is a lost codicil to that will.

If you want to object to the probate of the lost will, you must file a written objection with the Clerk. The Clerk's citation, which is attached to this notice, indicates the date by which you should file a written objection. Note that the citation does not indicate a specific hearing date.

If you sign an affidavit waiving citation, you are indicating to the Court that you do not object to the probate of the lost will.

You should consult an attorney if you have any questions about your rights in this probate matter.

NO. _____

IN THE ESTATE OF

_____ ,

DECEASED

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IN THE COUNTY COURT AT LAW

OF

ARANSAS COUNTY, TEXAS

AFFIDAVIT WAIVING CITATION
FOR PROBATE OF A COPY OF A LOST WILL OR CODICIL
OR PROBATE OF A LOST WILL OR CODICIL WITHOUT A COPY

STATE OF TEXAS
COUNTY OF ARANSAS

I, _____, am an heir or devisee (beneficiary) of
_____, the "Decedent" in this case.

I have been given (1) a copy of the **Application to Probate Copy of Lost Will or Codicil or Lost Will or Codicil Without a Copy** that has been filed in this case and (2) a copy of the lost will dated **[insert date of will]** that the applicant is seeking to have probated.

I understand that in this case, an application has been filed in Decedent's estate to probate a written will even though the applicant cannot produce the original will.

I understand that when an original will cannot be produced, the law presumes the testator (the person who wrote the will) revoked the will before the testator's death.

I understand that the Court will not grant the application to probate the lost will in this case unless the applicant offers enough evidence to rebut that presumption and prove to the Court that the will was not revoked even though only a copy of the will may exist.

I understand that as one of the Decedent's heirs, or as one of the people who is named as a devisee (beneficiary) in the lost will, my rights to inherit property may be affected if the lost will is probated. If no will is admitted to probate, Decedent's property will pass to Decedent's heirs.

Although I understand I have a right to object to the probate of a lost will, with or without a copy, I do not object to the probate of the lost will.

I know that the person who sent me this affidavit (along with a copy of the Application and the will) is the applicant's attorney. I know the Applicant's attorney does not represent me in this matter. I am aware that before I sign this Affidavit Waiving Citation, I may consult my own attorney to advise me regarding this estate or the affidavit.

By signing this Affidavit Waiving Citation, I enter my appearance in this case for all purposes and I waive the issuance and service of process. I agree that the case may be considered by the Court without further notice to me.

I have signed this affidavit voluntarily, without fraud, duress, or threat by any person.

Signed and sworn to on _____, 20 ____.

Printed name: _____

Signed and sworn to under oath before me on _____, 20 ____.

Notary Public, State of _____
My commission expires: _____

**SAN PATRICIO, ARANSAS, BEE, LIVE OAK AND MCMULLEN COUNTY FAMILY LAW
COURTS STANDING ORDER REGARDING
CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES**

36th, 156th and 343rd District Courts

San Patricio County Court at Law No. 1 and No. 2 and Aransas County Court at Law

NO PARTY TO THIS LAWSUIT HAS REQUESTED THIS ORDER. Rather, this order is a standing order of the 36th, 156th and 343rd District Courts, the San Patricio County Court at Law No. 1 and No. 2 and the Aransas County Court at Law that applies in every divorce suit, every suit affecting the parent-child relationship, and any modification suit filed in SAN PATRICIO, ARANSAS, BEE, LIVE OAK AND MCMULLEN COUNTY. The 36th, 156th and 343rd District Courts, the San Patricio County Court at Law No. 1 and No. 2 and the Aransas County Court at Law have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the Court. Therefore, it is **ORDERED**:

1. **NO DISRUPTION OF CHILDREN** Both parties are **ORDERED** to refrain from doing the following acts concerning any child who is the subject of this case:
 - 1.1 Removing a child from the State of Texas for the purpose of changing the child's residence, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.
 - 1.2 Disrupting or withdrawing a child from the school or day-care facility where the child is presently enrolled, without the written agreement of both parents or an order of this Court.
 - 1.3 Hiding or secreting a child from the other parent or changing a child's current place of abode, without the written agreement of both parents or an order of this Court.
 - 1.4 Disturbing the peace of a child.
 - 1.5 Making disparaging remarks about each other or the other party's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.
 - 1.6 Discussing with a child, or with any other person in the presence of a child, any litigation related to a child or the other party.
 - 1.7 If this is an original divorce action, allowing anyone with whom the party has a dating relationship to be in the home overnight while in possession of the child. Overnight is defined as from 10:00 pm until 7:00 am.
 - 1.8 Consuming any illegal Controlled Substance (as that term is defined in the Texas Controlled Substance Act) twelve (12) hours prior to and during the party's possession of the child.
 - 1.9 Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of both/either party.

2. CONDUCT OF THE PARTIES DURING THE CASE Both parties are **ORDERED** to refrain from doing the following acts:

- 2.1 Communicating in person or in any other manner, including by telephone, electronic voice transmission, video chat, writing, or electronic messaging, with the other party by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner.
- 2.2 Threatening the other party in person or in any other manner, including by telephone, electronic voice transmission, video chat, writing, or electronic messaging, to take unlawful action against any person.
- 2.3 Placing one or more telephone calls, anonymously, at an unreasonable hour, in an offensive or repetitious manner, or without a legitimate purpose of communication.
- 2.4 Opening or diverting mail, e-mail, or any other electronic communication addressed to the other party.
- 2.5 Using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account.
- 2.6 Illegally intercepting or recording the other party's electronic or telephone communications.
- 2.7 Posting any information regarding the other party on any social media sites.
- 2.8 Excluding the other party from the use and enjoyment of the parties' residence.

3. PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE These orders apply to electronic records and electronically stored information, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium. If this is a divorce case, both parties to the marriage are **ORDERED** to refrain from doing the following acts:

- 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
- 3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties.
- 3.3 Damaging or destroying the tangible or intellectual property of one or both of the parties, including any document that represents or embodies anything of value.
- 3.4 Tampering with the tangible or intellectual property of one or both parties, including any document that represents or embodies anything of value, and causing pecuniary loss or substantial inconvenience to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any property of either party, whether personal property, real estate property, or intellectual property, and whether separate property or community property, except as specifically authorized by this order.
- 3.6 Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- 3.7 Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

- 3.8 Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.
 - 3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account, of either party, except as specifically authorized by this order.
 - 3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
 - 3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.
 - 3.12 Entering, operating, or exercising control over a motor vehicle in the possession of the other party.
 - 3.13 Discontinuing or altering the withholding for federal income taxes from either party's wages or salary.
 - 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, such as security, pest control, landscaping, or yard maintenance at the other party's residence, or in any manner attempting to withdraw any deposit paid in connection with such services.
4. PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE These orders apply to paper records as well as electronic records on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium. If this is a divorce case, both parties to the marriage are **ORDERED** to refrain from doing the following acts:
- 4.1 Concealing or destroying any family records, property records, business records, or any records of income, debts, or other obligations.
 - 4.2 Falsifying any writing or record relating to the property of either party.
 - 4.3 Destroying, disposing of, or altering any financial record of either party, including a canceled check, a deposit slip, any other record from a financial institution, a record of credit purchases or cash advances, a tax return, or a financial statement.
 - 4.4 Destroying, disposing of, or altering any e-mail, text message, video message, chat message, or other electronic information relevant to the suit.
 - 4.5 Modifying, changing, or altering the native format or metadata of any electronic information relevant to the suit.
 - 4.6 Deleting any data or content from any social network profile used or created by either party or a child of the parties.
5. INSURANCE IN DIVORCE CASE If this is a divorce case, both parties to the marriage are **ORDERED** to refrain from doing the following acts:

- 5.1 Withdrawing or borrowing in any manner all or any part of the cash surrender value of a life insurance policy on the life of either party or a child of the parties, except as specifically authorized by this order.
 - 5.2 Changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party or a child of the parties.
 - 5.3 Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time the suit was filed of any life, casualty, automobile, or health insurance policy insuring the parties' property or persons, including a child of the parties.
6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE** If this is a divorce case, both parties to the marriage are specifically authorized to do the following:
- 6.1 To engage in acts reasonable and necessary to conduct that party's usual business and occupation.
 - 6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
 - 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.
 - 6.4 To make withdrawals from accounts in financial institutions only for purposes authorized by this order.
7. **SERVICE AND APPLICATION OF THIS ORDER**
- 7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.
 - 7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect until the final order is entered in this case or the case is dismissed. This entire order will terminate and will no longer be effective when the Court signs a final order or the case is dismissed. The requirement of a bond is hereby waived.
8. **EFFECT OF OTHER COURT ORDERS** If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the Court signs a final order or this case is dismissed.
9. **PARTIES ENCOURAGED TO MEDIATE** The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute resolution methods, such as mediation, to resolve the conflicts that may arise in this lawsuit.

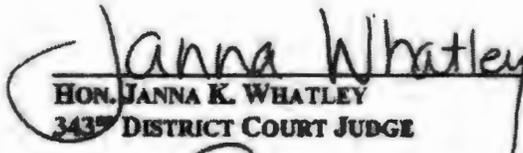
THIS STANDING ORDER REGARDING CHILDREN, PROPERTY, AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON May 5, 2023.



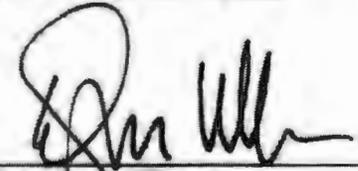
HON. STARR B. BAUER
36TH DISTRICT COURT JUDGE



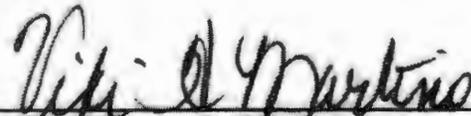
HON. PATRICK L. FLANIGAN
156TH DISTRICT COURT JUDGE



HON. JANNA K. WHATLEY
343RD DISTRICT COURT JUDGE



HON. ELIZABETH WELBORN
SAN PATRICIO COUNTY COURT AT LAW NO. 1



HON. VIKI HESSELTINE MARTINO
SAN PATRICIO COUNTY COURT AT LAW NO. 2



HON. RICHARD P. BIANCHI
ARANSAS COUNTY COURT AT LAW

**SAN PATRICIO, ARANSAS, BEE, LIVE OAK AND MCMULLEN COUNTY FAMILY LAW
COURTS STANDING ORDER REGARDING
PERSONS SEEKING CONSERVATORSHIP IN FAMILY LAW CASES**

**36th, 156th and 343rd District Courts
San Patricio County Court at Law No. 1 and No. 2 and Aransas County Court at Law**

Pursuant to the inherent powers of the Court, and Section 105.009 of the Texas Family Code, the Courts hereby find that the best interest of the children of parties involved in a suit affecting the parent-child relationship, including an action to modify an order in a suit affecting the parent-child relationship providing for possession of or access to a child, hereby Orders that the parties involved to successfully attend and complete a parent education and family stabilization course.

The parties to the suit are not required to attend the course together.

The course must be at least four (4) hours, but not more than twelve (12) hours, in length and be designed to educate and assist parents with regard to the consequences of divorce on parents and children. The course must include information on the following issues.

- (1) The emotional effects of divorce on parents;
- (2) The emotional and behavioral reactions to divorce by young children and adolescents;
- (3) Parenting issues relating to the concerns and needs of children at different development stages;
- (4) Stress indicators in young children and adolescents;
- (5) Conflict management;
- (6) Family stabilizations through development of a co-parenting relationship;
- (7) The financial responsibilities of parenting;
- (8) Family violence, spousal abuse, and child abuse and neglect; and
- (9) The availability of community services and resources.

The course satisfies the requirements of the Courts if it is offered by:

- (1) A mental health professional who has at least a master's degree with a background in family therapy or parent education; or
- (2) A religious practitioner who performs counseling consistent with the laws of this state or another person designated as a program counselor by a church or religious institution, if the litigant so chooses.

Information obtained in a course or a statement made by a participant to a suit during a course may not be considered in the adjudication of the suit or in any subsequent legal proceeding. Any report that results from participation in the course may not become a record in the suit unless the parties stipulate to the record in writing.

The Court may take appropriate action with regard to a party who fails to attend or complete a course ordered by the Court under this section, including holding the party in contempt of court, striking pleadings, or invoking any sanction provided by Rule 215, Texas Rules of Civil Procedure. The failure or refusal by a party to attend or complete a course required by this section may not delay the Court from rendering a judgment in a suit affecting the parent-child relationship.

The Course required under this section may be completed by:

- (1) Personal instruction;
- (2) Videotape instruction;
- (3) Instruction through an electronic medium; or
- (4) A combination of those methods.

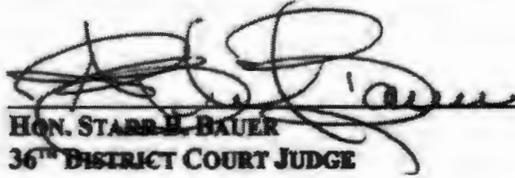
On completion of the course, the course provider shall issue a certificate of completion to each participant. The certificate must state:

- (1) The name of the participant;
- (2) The name of the course provider;
- (3) The date the course was completed; and
- (4) Whether the course was provided by;
 - (a) Personal instruction;
 - (b) Videotape instruction;
 - (c) Instruction through an electronic medium; or
 - (d) A combination of those methods.

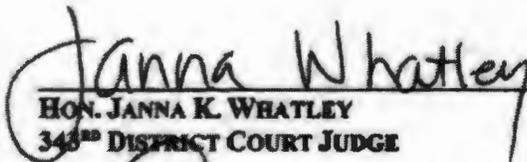
The course shall be successfully completed by the petitioner or movant within 31 days of filing of the original motion or complaint and by the respondent within 31 days of respondent's first appearance or by the filing of an answer or waiver by the respondent.

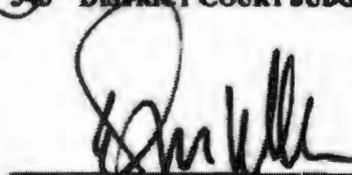
For good cause shown on Motion by a party, the assigned judge may waive the requirement of completion of this program in individual cases.

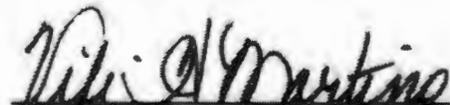
THIS STANDING ORDER REGARDING PERSONS SEEKING CONSERVATORSHIP IN
FAMILY LAW CASES SHALL BECOME EFFECTIVE ON May 5, 2023.

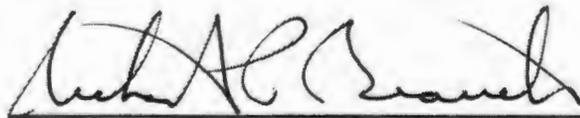

HON. STACEY H. BAUER
36TH DISTRICT COURT JUDGE


HON. PATRICK L. FLANAGAN
156TH DISTRICT COURT JUDGE


HON. JANNA K. WHATLEY
348TH DISTRICT COURT JUDGE


HON. ELIZABETH WELBORN
SAN PATRICIO COUNTY COURT AT LAW NO. 1


HON. VIKI HESSELTYE MARTINO
SAN PATRICIO COUNTY COURT AT LAW NO. 2


HON. RICHARD P. BIANCHI
ARANSAS COUNTY COURT AT LAW

POLICIES AND PROCEDURES FOR THE JUDGE OF ARANSAS COUNTY COURT AT
LAW'S ACTIONS
ON CASES PENDING IN DISTRICT COURT IN ARANSAS COUNTY, TEXAS.

Except as reflected in these policies and procedures, the County Court at Law will not act in any case pending in District Court.

CRIMINAL CASES

No Criminal arraignments, pretrial hearings or guilty pleas will be heard by the County Court at Law Judge without written concurrence of 2/3 of the District Judges who preside in Aransas County, Texas.

FAMILY CASES

I. ORIGINAL FILINGS

Any family law matter may be originally filed in either the District Court or the County Court at Law of Aransas County. The District Clerk will inform all filers of their option of court.

II. TRO'S

A. The County Court at Law Judge of Aransas County may sign and issue status quo TRO'S in original divorce petitions and other family law matters.

B. The District Judges shall consider TRO'S bought:

1. By a Respondent;
2. On motions to modify;
3. By persons who have a Protective Order issued or request to be issued against them;
4. Applicants for writs of habeas corpus; and
5. Any other non-status quo TRO.

C. After consultation with and approval from the District Judge in whose court a case is filed, the County Court at Law Judge may sign TRO'S listed in B. 1 -5 above.

III. RULE 103 ORDERS

The County Court at Law Judge may authorize any legally qualified individual or agency to serve process in a family law matter pending in District Court as provided for in Texas Rules of Civil Procedure 103.

FILED
2 day of Feb. 29 15
at 8:15 o'clock A M
Pam Heard, District Clerk
Dist Court, Aransas County, Texas
By [Signature] Deputy

IV. RULE 106 ORDERS

The County Court at Law Judge will not authorize substituted service as authorized by Texas Rules of Civil Procedure Rule 106 for any case pending in District Court without prior consultation with and approval from the District Judge in whose court the case is filed.

V. ASSIGNMENT OF CASES TO COUNTY COURT AT LAW OF ARANSAS COUNTY, TEXAS

With the consent of the County Court at Law Judge of Aransas County, Texas, a District Judge may assign any family law case to the County Court at Law either temporarily or permanently.

If a case is assigned temporarily, any orders made by the County Court at Law Judge will be signed by him. The County Court at Law Judge will not schedule any hearing on temporarily assigned cases other than the settings or resetting of the hearing assigned to him.

If a case is assigned permanently, the County Court at Law Judge shall assume total responsibility for the case, its settings and ultimate resolution. The District Clerk shall remove the docket sheet of a case permanently assigned from the District docket in which the case is filed and carry that case on a special docket of cases which were filed in District Court but permanently assigned to County Court at Law.

VI. EX PARTE REMOVALS IN CPS CASES

Any C.P.S. case which arises as a result of a Court Authorized Removal-(authorized by a District Judge) shall be filed in District Court.

Any C.P.S. case which arises as a result of a Court Authorized Removal-(authorized by a County Court at Law Judge) shall be filed in the County Court at Law of Aransas County.

VII. TITLE IV-D APPEALS

Any appeal of matters ruled on by the IV-D Master shall be docketed on the special docket of cases filed in District Court and assigned to the County Court at Law Judge's docket.

The County Court at Law Judge will be responsible for conducting any hearing necessary to resolve such appeals.

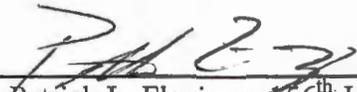
Upon final resolution of the matter appealed, the District Clerk shall return the docket sheet of the case to the docket of the Court in which the case is filed.

VIII. TRANSFERS

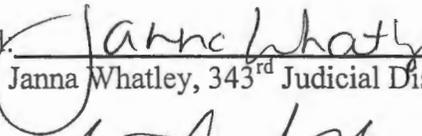
All incoming family law cases (transferred from another county) shall be docketed into the County Court at Law of Aransas County, Texas.

Agreed: 
Starr Boldrick Bauer, 36th Judicial District Judge

Date: February 6, 2015

Agreed: 
Patrick L. Flanigan, 156th Judicial District Judge

Date: 2-9-15

Agreed: 
Janna Whatley, 343rd Judicial District Judge

Date: 2-6-15

Agreed: 
Richard Bianchi, County Court at Law Judge

Date: 2-6-15