

BEXAR COUNTY PROBATE COURT NO. 2

Judge Veronica Vasquez
Bexar County Courthouse, Room 123
100 Dolorosa
San Antonio, Texas 78205



September 1, 2022

CHECKLIST FOR PROBATING A WILL AS A MUNIMENT OF TITLE FOURS YEARS AFTER DEATH

Procedures: In addition to meeting all criteria to probate an original Will, the following must be included when probating a Will after Four Years. **Once the checklist is fully completed, the applicant's attorney can set this matter for hearing. FIAT is required, please use one of the templates attached.**

Please cross through actions that do not apply

If you submit documents after hearing date you must notify the staff attorney once the e-filed documents are accepted by the clerk.

Note: This court uses the following explanation of "disinterested witness" for purposes of determining heirs: A disinterested individual is a person who has no interest in the estate, no interest in the outcome of the proceeding, and is familiar with the decedent's family history. In the event a disinterested witness is simply not available, please state the circumstances.

Case Number _____ Estate of _____

Checklist for Muniment of Title After 4 Years

- Title of document must reflect what you are probating, e.g. *Application to Probate Will as a Muniment of Title Four Years After Death*
- Application states date of death and affirmatively states more than four years passed since date of death.
- Statement how person offering Will is not in default for probating after 4 years and why they are not in default. Must overcome presumption.
- Affirm Decedent **did not** apply for and receive Medicaid benefits after March 1, 2005.
 - Received Medicaid benefits, need proof of release of MERP claim
 - Affirm Decedent died before age 55, or
 - Spouse is still alive, or
 - There is a child under 21 years of age.
- Citation returned.
- File **Proof of Personal Process** to each of the testator's heirs or Affidavit Waiving Process and Waiving Objection.

Accepted by Clerk on _____ (date).

___ Waiver of Process ___ Waiver of Objection

- Reasonable diligence to ascertain address is unsuccessful, request alternative service, such as publication in last known location of heir. The appointment of an attorney ad litem may be necessary. See TEC 258.051, 258.052, 258.101. Also see TRCP 109, 109a.
- If another Will accepted into probate, notice to beneficiaries of admitted Will.

- E-file Proposed Order for review and approval as separate lead document prior to requesting hearing date that includes proper title and language on Probating Will as Muniment of Title More Than 4 Years After Death.

Accepted by Clerk on _____ (date).

- E-file unsigned Proof of Death for review prior to requesting hearing date.

Accepted by Clerk on _____ (date).

- E-file unsigned Oath of No Debts for review prior to requesting hearing date.

Accepted by Clerk on _____ (date).

- E-file statement of facts regarding heirs from 2 disinterested witnesses – witnesses do not need to appear if properly executed, e-filed, and accepted by the clerk prior to requesting hearing date.

Accepted by Clerk on _____ (date).

- Attorney provided their client with a copy of “*A Guide for Muniment of Title*” (Forms are located on the PC2 Website)

Attorney Verification

I, _____ confirm that all required documents for the hearing I am requesting in Cause No. _____ **-PC-** _____ are correct and have been e-filed and accepted by the Bexar County Probate Clerk’s office.

Signed: _____ Date: _____

Additional Information

Questions about citations, please contact the Bexar County Probate Clerk’s Office at (210)335-2241 for further assistance.