Administrative Order 2019-4

FILED

IN RE: ALL APPLICATIONS FOR	§	IN COUNTY COURTS AT LAW
DETERMINATION OF HEIRSHIP	§	NUMBER ONE AND TWO
FILED IN	§	OF
BRAZOS COUNTY COURTS AT LAW	§	BRAZOS COUNTY, TEXAS

2019 OCT -1 P 3:42

KAREN McQUEEN, COUNTY CLERK
BRAZOS COUNTY, BRYAN, TEXAS

ADMINISTRATIVE ORDER

The Courts, on their own motion, enter this administrative standing order regarding payment of Attorneys Ad Litem to represent unknown heirs in determination of heirship cases. This order shall apply to every Application for Determination of Heirship filed on or after October 1, 2019.

Texas Estates Code § 202.009 provides that in a proceeding to determine heirship, the court shall appoint an Attorney Ad Litem to represent the interests of heirs whose names or locations are unknown. The Court finds the sum of $500.00 represents a reasonable amount to be deposited as a retainer by the Applicant in contemplation of payment for the reasonable and necessary services of the Attorney Ad Litem.

IT IS HEREBY ORDERED that as provided in Texas Estates Code §53.052(a), for every Application to Determine Heirship filed on or after October 1, 2019, the Clerk of the Court shall collect a deposit in the amount of five hundred dollars ($500.00) and shall be held by the clerk of the court, in a non-interest bearing account, for the payment of the fees of the attorney ad litem upon a proper order directing the taxing of the same as costs in the proceeding. The clerk of the court is hereby authorized to deduct administration fees pursuant to section 117.055 (a) Texas Local Government Code.

IT IS FURTHER ORDERED that if the Court ordered amount of reasonable and necessary attorney's fees and expenses to be paid to the Attorney Ad Litem is less than the $500.00 deposited with the Clerk and the Attorney Ad Litem has been discharged from his or her duty, the Clerk shall release from the deposit to the Attorney Ad Litem pursuant to the Court's order the amount for reasonable and necessary attorney's fees and expenses approved in the case. After payment to the Ad Litem, the Clerk shall then release from the Registry of the Court the remaining amount of the deposit to the Applicant within thirty (30) days from the Court's signed Order approving attorney's fees and expenses.

IT IS FURTHER ORDERED that if the Court ordered amount of reasonable and necessary attorney's fees and expenses to be paid to the Attorney Ad Litem is more than the $500.00 deposit, the clerk shall release the $500.00 deposit from the registry of the Court to the Attorney Ad Litem in the case within thirty (30) days from the Court's signed Order approving attorney's fees and expenses. The remaining balance of the attorney's fees owed to the Ad Litem shall be paid by the Applicant in accordance with the Court's signed Order within (30) days.

IT IS FURTHER ORDERED that all Attorneys Ad Litem appointed pursuant hereto shall be required to follow the Due Diligence Checklist and any other material provided by the court in which the Heirship Determination is pending.

ORDERED this 1st day of October, 2019.

Amanda Matzke, Judge
County Court at Law #1

Jim Locke, Judge
County Court at Law #2