Amended: October 10, 2022

COUNTY COURT AT LAW NO. 1, WISE COUNTY, TEXAS §

COUNTY COURT AT LAW NO. 2, WISE COUNTY, TEXAS §

STANDING ORDER RE: PROBATE/GUARDIANSHIP PROCEDURES

IT IS HEREBY ORDERED:

1. Effective January 1, 2015 in all probate proceedings, a certified copy/original Death Certificate must be provided for the Court's review at the time of hearing. Do not mail or e-file the Death Certificate. The submitted Death Certificate will be returned to the party filing the probate proceeding.

2. Effective January 1, 2023, when filing a probate or guardianship case in the Wise County Clerk's Office in which an attorney ad litem is required, the Clerk, at the request of this Court and pursuant to Section 1052.051(d) of the Texas Estates Code, will collect a $525 deposit to apply to the attorney ad litem's fees. The $525 deposit is based upon three (3) hours of service at $175 per hour. An ITEMIZED invoice must be submitted for services rendered by the ad litem. Keep in mind the invoice will not be approved for payment if it is not itemized. If less than three hours were expended by the ad litem, the fee will be paid at the rate of $175 per hour with the balance of the deposit to be refunded. The average case should not take more than 3 hours. In the event of special circumstances, the ad litem may expend more than three hours. In that event, an itemized invoice should be submitted to the Court with an explanation why the additional time expended was necessary. Just to clarify, this Court has not had a problem with a single attorney over-charging for ad litem services, but the statute makes it clear the "Court Clerk *shall* collect a filing fee, *including a deposit for payment to an attorney ad litem* . . ." (emphasis added).

3. The general rule regarding service of citation for the Texas Estates Code is that "the *sheriff or constable* shall serve the citation or notice . . ." EC §§51.051(b)(1) (emphasis added). The only exception is when "the person to be cited or notified is absent from or is not a resident of this state." EC §§51.051(b)(2).

SIGNED this the 10th day of October, 2022, but made effective January 1, 2015.

Judge Greg Lowery, County Court at Law No. 1

Judge Dana D. Manoushagian, County Court at Law No. 2