

**ELLIS COUNTY COURT AT LAW NO. 1
ADMINISTRATIVE ORDER**

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§**IN THE ELLIS COUNTY****2025-2****COURT AT LAW NO. 1**

**ORDER REGARDING APPLICATIONS TO PROBATE A WILL MORE THAN
FOUR YEARS AFTER THE TESTATOR'S DEATH**

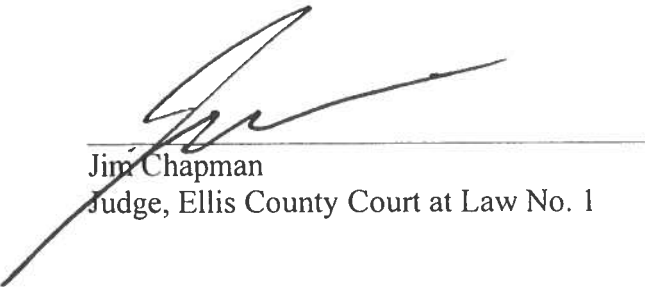
When an applicant seeks to probate a will more than four years after the testator's death, Texas Estates Code §258.051 & 258.053 require that specific notice by service of process must be given or affidavits waiving notice must be given to the Court before the probate of testator's will.

IT IS THEREFORE ORDERED that when an applicant seeks to probate a will more than four years after the testator's death:

1. The Clerk must attach to each citation issued the "Notice of Application to Probate a Will More than Four Years after the Decedent's Death" that is attached to this Order, informing all persons interested in the estate of their right to object to the probate.
2. All persons who would inherit as an heir of the testator if the will is not admitted to probate must either (1) be personally served with citation or (2) deliver to the Court an affidavit waiving citation and indicating that the heir does not object to the offer of the testator's will for probate. If another will of the testator has previously been admitted to probate, all beneficiaries of the testator's probated will – instead of the testator's heirs – must be personally served with citation or must deliver to the Court an affidavit waiving citation and indicating that the beneficiary does not object to the offer of the testator's will for probate.
3. When an heir or devisee executes an affidavit waiving citation, the affidavit itself must explicitly include in its' body all points addressed in the "Notice of Application to Probate a Will More than Four Years after the Testator's death"

attached to this Order. It is not sufficient for the affidavit to refer to an attached notice.

Ordered this 25th day of April, 2025



Jim Chapman

Judge, Ellis County Court at Law No. 1

Notice of Application to Probate a Will More than Four Years after the Decedent's Death

You are notified of the filing in this Decedent's estate of an application to probate a will or codicil ("will") more than four years after the Decedent died.

You must understand the following:

1. The testator's property will pass to the testator's heirs if the will is not admitted to probate. (Or if this will is not admitted to probate, but another will of Decedent was previously admitted to probate, Decedent's property will pass to the beneficiaries in that previously probated will.)
2. The person offering the testator's will for probate may not be in default for failing to present the will for probate during the four-year period immediately following the testator's death.

Therefore, the Court will not grant the application in this case unless the applicant offers sufficient evidence to prove that he was not in default for failing to probate the will within four years of Decedent's death.

As an heir of the Decedent – or as a beneficiary in Decedent's previously probated will – your rights to inherit property may be affected by the probate of a will more than four years after Decedent's death.

If you want to object to the probate of the will more than four years after the Decedent's death, you need to 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 will that has been filed by the applicant more than four years after the Decedent died.

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