

Probate Division

Electronic Filing FAQs

1. **What is electronic filing?** Electronic filing is the process of using the internet to file your documents with the Clerk's office.
2. **Are attorneys required to file all pleadings electronically?** Yes, all attorneys are subject to the Supreme Court rules with a few limited exceptions. E-filing is mandated for almost all documents filed by attorneys. Please refer to the [Supreme Court rules](#) for exceptions. Pro se filers are not required to electronically submit their documents, however, they may choose to do so.
3. **Do I have to use an Electronic Filing Service Provider ("EFSP")?** Yes. A list of Office of Court Administration ("OCA") approved EFSPs is on [EFile Texas' website](#). Each EFSP may offer different additional services. Please follow the URL below to get a current listing of the Electronic Filing Service Providers that are OCA approved.

<http://www.texfile.com/filers-get-started.htm>

4. **What if I am filing a case with an Affidavit of Indigency pursuant to TRCP 145, or I have been court appointed to represent a litigant? How are the fees handled?** You will have a "waiver" option for those instances where you are not required to make a payment. (Please check with your EFSP provider to verify that they provide the "waiver" option.)
5. **May I include more than one document for filing per submission?** Yes. EFile Texas allows the filer to submit multiple documents with the SAME case number at one time.
6. **My document relates to two cause numbers. Do I need to submit the document twice?** Yes. A separate filing is required for each cause number listed on the document.
7. **What is the process to electronically submit a proposed order?** Proposed orders should be submitted as an attachment to a lead document. For example, if filing an inventory, the order should be a separate PDF that is submitted as an attachment to the inventory. If filing only an order, a cover letter should be submitted as the lead document with the proposed order as an attachment. It should be noted that the filing fee covers the order fee on all inventory and appraisal, annual account, final account and annual reports. Therefore, please submit order approving at the time of filing each document listed above.
8. **Can I electronically file a corporate surety bond, cash bond deposit or attorney ad litem deposit?** No. Corporate surety bonds, cash bonds and attorney ad litem deposits should be paid directly to the County Clerk Probate Division's office. Attorney ad litem deposits and cash bond deposits must be submitted before an attorney ad litem will be appointed.
9. **What is the process to electronically submit a Will for probate?** When filing an Application for Probate of Will, an electronic image of the original Will should be filed as an exhibit/attachment. The application and will should be submitted as two separate PDFs in one filing. Once the Application for Probate of Will and an electronic image of the Will as an exhibit/attachment is e-filed, the original will must be submitted within three (3) days, either through the US Mail or in person, to the County Clerk Probate Division Office. See TRCP 21 (f)(12). Service will be issued upon e-filing the application, and the filing attorney/staff may call the Court to set the prove-up hearing.
10. **What is the process to Probate a Copy of a Will?** When e-filing an Application to Probate a Copy of Will when the Original Will cannot be produced pursuant to Texas Estates Code §256.156, the caption of the application must reflect the fact that the Original Will cannot be produced. The County Clerk Probate Division staff issues service from the Prayer; therefore, it is vital that the Prayer request that a copy of the Will be admitted to probate in order to ensure that proper service is issued on the application.

11. **How do I submit exhibits, attachments, etc.?** Browse to find your exhibits and attach them during the filing process. Do not combine documents into a single PDF file – each document must be filed as a separate PDF. When only filing an exhibit after the initial filing has been done, you must file it as a Supplement to the original instrument. You may file a cover page entitled Supplement to “Name of Instrument” or write Supplement to “Name of Instrument” at the top of the Exhibit before e-filing.
12. **What if there is not a “filing code” which fits my document title exactly? What do I choose?** Choose the selection closest to the filing document title. The reviewing Probate Clerk will correct your filing code, if necessary.
13. **What is the purpose for the Filing Description Box?** The Filing Description Box is for the title of your document; which should be typed in all capital letters in its entirety. This information is transmitted into the Odyssey Case Management System which will reflect on the Case Summary Sheet (docket).
14. **Can I file electronically a Guardianship Information Sheet?** No, the Guardianship Information Sheet should be mailed or delivered to the Probate Court Investigator’s Office.
15. **What paper copies will the court require?** The Probate Courts may require a courtesy copy of the following documents that are larger than **10** pages.
- Accountings
 - Application for Attorney’s Fees with Time Sheets
 - Trust Modifications with Copy of Trust
 - Motion for Summary Judgment and Responses, Replies, etc.
 - Any other document upon the Court’s request
16. **How do I request that companion cases and consolidated cases are assigned to the same court when I am e-filing more than one case at the same time?** Request the transfer of the cases to the same court in the Comment Section when e-filing. The Court that was assigned the first accepted case agrees to accept the transfer of the latter case if they are companion cases (siblings, husband and wife estates, etc) or cases which need to be consolidated. In addition, you may contact the Probate Staff Clerk Support to ensure that the transfer was completed if you see different court assignments after acceptance. (Need a more reliable business process. There is nothing preventing companion cases being filed by different clerks. An Administrative or blanket Order that allows the clerk to automatically transfer companion cases.
17. **Will the County Clerk Probate Division staff notarize (or deputize) oaths, or other instruments?** Yes, but attorneys must file those instruments electronically. If the instrument is sworn to before a judge or clerk, on prove-up date only, then the instrument can be submitted on paper for filing along with any orders signed by the judge. There is a \$2 fee associated with each document that the Judge or clerk administers.
18. **What are common rejection reasons?** A filing is rejected if fees submitted are not correct. The most common rejection reasons are as follows:
1. **Fee for posted notice omitted** – There is a fee of \$24.00 for posted notice. A filing should be submitted with the issuance (\$4.00) and service (\$20.00) fees selected from the optional services section.
 2. **Filings are not filed properly** – On new case filings, the civil case information sheet and application must be filed as separate lead documents.
 3. **Order fee omitted** – The fee for the proposed orders should be selected from the optional services section when submitting a proposed order.

4. **Inventory Fee** – There is a fee for the filing of an inventory into a case that has been on file greater than 120 days or into a case that someone was appointed greater than 90 days prior. The fee to file is \$27.00 and should be selected under optional services. When submitting this fee, the proposed order fee is already included in the filing fee.

E-file Reference:

www.supreme.courts.state.tx.us

E-file Support:

Technical Support: Tyler Technologies. 800-297-5377 or efiling.support@tylertech.com

Probate Clerk Support: 214-653-6509 or 214-653-7422