



One-Minute Prove-Up

The One-Minute Prove-Up, is for expediting routine applications to admit Wills to probate when there are no apparent issues on the face of the pleadings. Unlike the traditional docket, very little oral testimony is necessary.

Those who qualify for the one-minute prove-up will be heard first on the docket.

Requirements:

- Original Will and original Codicil(s) with self-proving affidavit. Excluded are Copies of wills, Holographic Wills, and any proceeding requiring the need to prove-up signatures or bring witnesses for any other reasons.
 - The language for an Independent Administration is included in the Will. The first-named Independent Executor is named and is willing to serve; or
 - Probate as a Muniment of Title. The Applicant is the first person named in the Will to serve as the personal representative.
- Citation and posting are completed and accurate (i.e., the name of the Decedent and Personal Representative exactly matches the name in the Application and the posted notice)
- The Original Will is on file with the Probate Clerk.
- Applicant is represented by a licensed attorney.
- E-file the *Proposed Order*, the *Proof of Death and Other Facts*, the *Proof Addendum on Qualifications* (if applicable) and the *Oath* as attachments to a cover letter and filed on or before the original Will is delivered to the Court¹. The proposed prove-up documents are accepted and in the clerk's file before requesting the hearing.

If you can check all the boxes above, you are ready to request a review to qualify for a One-Minute Prove-up. After scheduling your hearing, please send an email to the briefing attorney, Ly Barrett, at ly.barrett@dallascounty.org requesting review. The request for pre-approval to use the one-minute prove-up process must be made at least one week prior to the hearing date. The briefing attorney will review your documents prior to your hearing. If further information or clarification is required, he will notify you. If it appears that your case is eligible for the One-Minute Prove-up, he will email you with a confirmation. **Please do not use a one-minute prove-up without prior confirmation from the briefing attorney. The Court reserves the ability to disqualify any matter from the One Minute Prove-up.**

On the day of the hearing, the judge will swear in the witness and permit the witness to acknowledge the contents of the Proof of Death and Other Facts and Proof Addendum without the need for additional testimony. Because the proposed written testimony will have been

¹ TRCP 21(f)(12)

previously e-filed and reviewed by the judge, the extended oral testimony in the proof is not necessary.

Sample Script for the hearing:

1. Identity of the witness. (“State your name...”)
2. Identify the testamentary document(s) (“Do you recognize this as the Last Will and Testament of...”)
3. Confirmation that testimony has been committed to writing (“You have committed your testimony to writing in the Proof of Death and Other Facts and Proof Addendum, and it is true and correct ...”)
4. Ask the Court for what you want. (“We ask that you appoint _____ as Independent Executor to serve w/o bond.”)

For in-person hearings, after giving oral testimony, the witness will sign the Proof of Death and Other Facts and sign the Oath (if he or she has been appointed as a personal representative) and deliver them to the Judge, or e-file them for virtual hearings. For virtual hearings, please wait until the conclusion of the hearing to execute the proof of death and other facts and do not sign the oath until you receive confirmation from the Court that the order probate the Will has been signed.

It is our hope that this expedited process will meet the statutory requirements, improve Court efficiencies, and shorten the time it takes to admit wills to probate.

Thank you.