

CAUSE NO. _____

IN THE ESTATE

OF

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IN THE COUNTY COURT

AT LAW NO. 1 OF

HUNT COUNTY, TEXAS

**CHECKLIST CERTIFICATION FOR
UNCONTESTED PROVE UP OF MUNIMENT OF TITLE**

Before the court will set your case for a hearing for the uncontested prove-up of a muniment of title, you must complete, sign, and file this form showing that you have satisfied all the necessary prerequisites.

- 1. Copy of will filed with Application. Application includes last three (3) digits of Applicant's and Decedent's SSN and DL or explains why omitted. §257.051(a).
- 2. General Citation has been posted.
- 3. Original will filed within three (3) days of the filing of Application. TRCP §21(f)(12) *(Must be on file at least ten [10] days prior to hearing.)*
- 4. *If Will filed after the four-year period for probate, Applicant has complied with §258 subchapter B.*
- 5. *If probating a copy of a will, Applicant has complied with §257.053 and §258.002.*
- 6. *If Applicant is other than first named executor in the will, the reason first named executor has not filed application for muniment of title.*

- 7. Testimony admitted into evidence must be reduced to writing. Unexecuted *Proof of Death & Other Facts* has been prepared and filed with the Court. A copy will be presented to the Court on the day of the hearing so that it may be subscribed and sworn to in open court by the witness pursuant to §256.157. If testimony is by written deposition, it must comply §51.203 and with the TRCP.
- 8. All "Proof of Facts" and proposed order include a statement concerning Medicaid status. The statement shall assert: (a) No Medicaid benefits were received after March 1, 2005; (b) Medicaid benefits were received after March 1, 2005 and have been repaid; or (c) benefits were received and not repaid. If benefits were received and not repaid, Applicant must include an additional statement that: (a) there is a spouse who is still alive; (b) there is a child who is under 21 years of age; (c) there is a child who is blind or permanently and totally disabled under social security requirements; or (d) there is an unmarried adult child who lived full-time in the Medicaid person's home for at least one year before the death of Medicaid recipient. If applicant is unable to do so, Applicant must file a Medicaid Estate Recovery Program (MERP) certification that decedent's estate is not subject to a MERP claim.
- 9. The proposed order has been filed.

As attorney for the Applicant, I verify by signing below that each of the above-listed items has been completed, that I have complied with all procedural and statutory requirements of the Texas Estates Code Chapter 257, and that this matter is ready to be set for an uncontested prove-up.

Attorney Name: