



Hon. Fransheneka “Fran” Watson

Associate Judge Lily U. Leal

HARRIS COUNTY PROBATE COURT FIVE

1115 Congress St, 5<sup>th</sup> Floor | Houston, TX 77002 | (832) 927-1405 Phone

### One-Minute Prove-Up

One-Minute Prove-Ups are available on every docket for the probate of wills. Those who qualify and have received confirmation from the Court eligible for the one-minute prove-up will be heard first on the docket. Unlike the traditional docket, very little oral testimony will be necessary from the Attorney and/or the Applicant.

#### **Requirements.**

- Original Will and Codicil(s) with self-proving affidavit only. (no copies of wills, holographic wills, no need to prove up signatures or bring witnesses for any other reasons).
  - Independent Administration when bond is set forth in the Will. (no need for bond testimony). Independent Executor named and willing to serve or declinations filed and named successors willing to serve; **or**
  - Probate as a Muniment of Title only.
- Citation and posting completed (you may call before the return date, but you must confirm that the hearing date is after the return date).
- Original Will has been filed with the County Clerk *before you call* to request a hearing.
- Applicant is represented by a licensed attorney. *See e.g. Steele v. McDonald*, 202 S.W.3d 926 (Tex.App.—Waco 2006).
- E-file the *Proposed Order*, the *Proof of Death and Other Facts*, and the *Oath* (select “Proposed Order” for the filing type and file each document as a Lead Document).

If you can check all the boxes above, you are most likely eligible for the One-Minute Prove-Up. When setting your hearing, the Probate Paralegal will review your documents prior to your hearing. If further information or clarification is required, the Probate Paralegal will notify you. If it appears that your case is eligible for the One-Minute Prove-Up, **Probate Paralegal will email you with a confirmation. Please do not try to use a one-minute prove-up without prior confirmation from the Court.**

On the day of the hearing, the Judge will swear in the proponent of the will (either the Applicant or the attorney who has personal knowledge of the facts). Because the proposed written testimony will have been previously e-filed and reviewed by the judge, the oral testimony can be shortened.

**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 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 and waive appraisers.”)

**SIGNING OF ORDERS**

Probate Court 5 will sign the Order after the Executed Proof of Death and Other Witness Testimony has been e-filed and accepted by the Clerk’s Office. Once the Order is signed, the Oath may be taken.