

**DARREL L. LUX
KENDALL COUNTY JUDGE
COUNTY COURT**

To minimize in-person contact, the Kendall County Court will conduct probate matters remotely using the software program Zoom. To schedule a hearing, please email the administrative assistant at melissa.milton@co.kendall.tx.us

Dress codes:

Dress code for attorneys, parties and witnesses is unchanged from in-person proceedings.

Participating in the Zoom Virtual Courtroom:

1. For each scheduled court setting, you will receive an email containing a link for joining by Zoom. You will join the virtual courtroom by clicking the link in the email at the scheduled time. Only the attorneys will receive emails from the court. It is incumbent upon the attorneys to forward the setting details to your witnesses and clients and inform them of the setting.
2. When you join the Zoom meeting, you will appear in a virtual waiting room with all other parties, attorneys and witnesses. There may be several cases set on the docket. When your case is called, the court will bring the attorneys and clients into the virtual courtroom, in turn.
3. Each attorney is expected to appear by video, rather than merely by voice. Attorneys must show good cause for failure to appear by video.
4. When you enter the virtual courtroom, your video will automatically be on and your audio muted.
5. Only counsel of record, clients, clients' spouses (where specifically permitted by the rules), and witnesses (while testifying) will be permitted in this hearing.

Everyone else must watch the livestream at the County Court's YouTube Channel for live streaming at https://www.youtube.com/channel/UCXdW3_2rSr1dJF9TtEUHRZQ

6. You are prohibited from video or audio recording these proceedings in any way. Any violation of these rules is subject to contempt proceedings.

**For Uncontested Probate – Self-Proved Will Only
Muniment of Title and Letters Testamentary**

1. E-file your application and will and make sure the original Will is delivered to the County Clerk's office.
Texas Rules of Civil Procedure Rule 21(f)(12) requires that any original Will must be physically filed in the Clerk's office within three business days after the application is electronically filed.
2. You will need to **e-file** your proposed hearing documents no later than the Monday of the week prior to the hearing. The affiant is not to sign the proposed documents until after the hearing.
It is the Court's policy to review documents for probate prove-up hearings before the hearing.
By reviewing documents in advance, the Court can ensure that hearings go more smoothly.
3. The decedent's death certificate will need to be emailed to the administrative assistant at melissa.milton@co.kendall.tx.us no later than the Monday of the week prior to the hearing.
4. To set your probate hearing, email the cause number and decedent's name to the administrative assistant at melissa.milton@co.kendall.tx.us.
Each hearing is estimated to take approximately 10-15 minutes.

5. During the hearing you will need to have a copy of the Will with you and be prepared to prove the copy per the Texas Rules of Civil Procedure.
 6. At the end of the hearing, if approved:
 - a) The Affiant will sign the Proof of Death and Other Facts, the notary will notarize, and then the Proof must be **e-filed**.
 - b) After the Proof is e-filed, the Judge will then sign the Order, and the attorney will be notified. The Clerk will email you a copy of the signed Order. If applicable, the Oath can now be signed, notarized, and **e-filed**.
 - c) After the Oath is e-filed, the Clerk will be able to issue letters.
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**For Uncontested Probate – No Will
Letters of Administration and Determination of Heirship**

1. E-file:
 - a) Applications and motions
 - b) Service of citation on (or waiver from) all non-applicant heirs and other persons requiring notice under Texas Estates Code §202.008
 - c) Consents from all heirs if seeking independent administration
 - d) Affidavit of citation by publication
2. You will need to **e-file** your proposed hearing documents no later than the Monday of the week prior to the hearing. The affiant is not to sign the proposed documents until after the hearing. It is the Court's policy to review documents for probate prove-up hearings before the hearing. By reviewing documents in advance, the Court can ensure that hearings go more smoothly.
3. The decedent's death certificate will need to be emailed to the administrative assistant at melissa.milton@co.kendall.tx.us no later than the Monday of the week prior to the hearing.
4. To set your probate hearing, email the cause number and decedent's name to the administrative assistant at melissa.milton@co.kendall.tx.us. Each hearing is estimated to take approximately 15-20 minutes. You will need to coordinate with the attorney ad litem.
5. At the end of the hearing, if approved:
 - a) The Affiant will sign the Proof of Death and Other Facts, the notary will notarize, and then the Proof must be **e-filed**.
 - b) After the Proof is e-filed, the Judge will then sign the Order, and the attorney will be notified that the Oath can now be signed, notarized, and **e-filed**.
 - c) After the Oath is e-filed, the Clerk will be able to issue letters if applicable. The Clerk will email you a copy of the signed order.