

# IN THE COUNTY COURT OF MILAM COUNTY, TEXAS

## ORDER REGARDING THE FILING OF COPIES OF WILLS UNDER MANDATORY E-FILING

On December 13, 2013, the Supreme Court of Texas adopted new Texas Rule of Civil procedure (TRCP) 21 (f) regarding Electronic Filing, effective January 1, 2014.

Rule 21 (f) (4)(A) provides: "Wills are not required to be filed electronically."

Rule 21 (f) (12) provides: "Original Wills. When a party electronically files an application to probate a document as an original will, the original will must be filed with the clerk within three business days after the application is filed.

The County Court of Milam County, Texas, finds that there is need for an administrative order requiring that any copies of wills that are offered for probate (or filed and not offered for probate) must be attached as an exhibit to the application and the original will must be physically filed in the Clerk's office within three business days after the application is electronically filed. Having the original document that is offered as the will helps the Court properly evaluate the document.

IT IS THEREFORE ORDERED that when a party electronically files an application that either seeks to probate a copy of a will or states that a copy of a will is not being offered for probate, the original Will must be filed with the clerk within three business days after the application is filed.

IT IS THEREFORE ORDERED that a hearing date will be scheduled by the attorney contacting the Milam County Clerk's Office at 254-697-7049.

Signed on this the 27<sup>th</sup> day of July, 2015.

  
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David Barkemeyer, Milam County Judge