



## The Supreme Court of Texas

CHIEF JUSTICE  
NATHAN L. HECHT

201 West 14th Street Post Office Box 12248 Austin TX 78711  
Telephone: 512/463-1312 Facsimile: 512/463-1365

CLERK  
BLAKE A. HAWTHORNE

JUSTICES  
PAUL W. GREEN  
PHIL JOHNSON  
EVA M. GUZMAN  
DEBRA H. LEHRMANN  
JEFFREY S. BOYD  
JOHN P. DEVINE  
JEFFREY V. BROWN  
JAMES D. BLACKLOCK

GENERAL COUNSEL  
NINA HESS HSU

ADMINISTRATIVE ASSISTANT  
NADINE SCHNEIDER

PUBLIC INFORMATION OFFICER  
OSLER McCARTHY

December 18, 2018

Mr. Charles L. "Chip" Babcock  
Chair, Supreme Court Advisory Committee  
Jackson Walker L.L.P.  
cbabcock@jw.com

Re: Referral of Rules Issues

Dear Chip:

The Supreme Court requests the Advisory Committee to study and make recommendations on the following matters.

**Eviction Kit Forms.** In response to SB 478, passed by the 84th Legislature, the Court established the Landlord-Tenant Forms Task Force to draft forms for use by individuals representing themselves in residential landlord-tenant matters. On November 28, 2018, the Task Force submitted their report and a proposed kit of forms to be used in eviction suits. The report and proposal are attached to this letter.

**Will Kit Forms.** In response to SB 512, passed by the 84th Legislature, the Court established the Probate Forms Task Force to draft forms for use by individuals representing themselves in certain probate matters. On November 26, 2018, the Task Force submitted their report and a proposed kit of simple will forms. The report and proposal are attached to this letter.

**Name Change Forms.** Trish McAllister, Executive Director of the Texas Access to Justice Commission, has asked the Court to promulgate two sets of name change forms—one set for an adult name change and one set for an uncontested name change of a child—that are attached to this letter.

**Texas Rule of Civil Procedure 116.** Rule 116 requires that citation served by publication be published in a newspaper. In the attached letter, Guy Choate and Hon. Sheri Woodfin suggest that notice might be more effective and economical if published on a website accessible to the public.

The Committee has discussed this matter before—on March 25, 2011 and May 13, 2011—but the Court has received further inquiries since then and asks the Committee to consider the matter again.

As always, the Court is grateful for the Committee's counsel and your leadership.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan L. Hecht", with a long horizontal flourish extending to the right.

Nathan L. Hecht  
Chief Justice

Attachments

## Supreme Court of Texas Landlord-Tenant Forms Task Force

P.O. Box 12487 • Austin, TX 78711-2487 • Tel: 512-427-1855 • Fax: 512-427-4160

*Chair*

Hon. Carlos Villa

*Members*

Misty Beaty

Peter Bennett

Linley Boone-Almaguer

Hon. Ann-Marie Carruth

David Fritsche

Suzanne Frossard

Robert Garcia

Abby Lee

Roland Love

Trish McAllister

Rick Melamed

Nelson Mock

Hon. Ralph Swearingin,  
Jr.

*Supreme Court of Texas  
Liaison*

Hon. Jeffrey V. Brown

November 28, 2018

The Supreme Court of Texas  
Attn: Mr. Blake Hawthorne  
Supreme Court Building  
201 West 14<sup>th</sup> Street, Room 104  
Austin, Texas 78701

RE: Report to the Supreme Court of Texas

Dear Justices of the Supreme Court of Texas:

On behalf of the Supreme Court Landlord-Tenant Forms Task Force ("Task Force"), I am providing this report to the Court summarizing Task Force activities for the period of August 31, 2017 to November 28, 2018. In addition to this written report, Task Force members are available to meet with the Justices of the Supreme Court of Texas to discuss the activities or to answer any questions.

### Background

In response to Senate Bill 478, passed during the 84<sup>th</sup> legislative session, the Court entered an order establishing the Probate Forms Task Force on May 2, 2017 and appointed members.

The Task Force includes the following members from across the state:

- Hon. Carlos Villa, El Paso, Chair
- Misty Beaty, Plano
- Peter Bennett, Houston
- Linley Boone-Almaguer, Edinburg
- Hon. Ann-Marie Carruth, Lubbock
- David Fritsche, San Antonio
- Suzanne Frossard, Tyler
- Robert Garcia, El Paso
- Abby Lee, Austin
- Roland Love, Dallas
- Trish McAllister, Austin
- Rick Melamed, Houston
- Nelson Mock, Austin
- Hon. Ralph Swearingin, Jr., Ft. Worth

The Task Force has received invaluable input from the entire staff of the Texas Access to Justice Commission. Specifically, Executive Director Trish McAllister has provided very helpful guidance at all of our monthly meetings. Importantly, the progress to date would not have been possible without the hard work and dedication of staff member Kristen Levins, Civil Justice Attorney. The Court's liaison is Justice Jeffrey V. Brown.

### **Landlord-Tenant Forms Development**

The Task Force initially convened on August 31, 2017 and meets on a monthly basis. At the first meeting, members discussed which documents were the most needed in landlord-tenant matters, as outlined in Texas Government Code Section 22.019. Because eviction cases account for many landlord-tenant cases, the Task Force started by drafting forms and instructions for an eviction kit with the forms necessary to bring and defend an eviction action in court.

The Task Force has completed the Eviction Kit, which is included with this report. The Eviction Kit contains the following forms ordered along a time continuum of when the form would be used in an eviction suit, e.g., the Lease Termination after Foreclosure Notice is the first form because it requires more notice than the typical Notice to Vacate:

- 1) Lease Termination after Foreclosure Notice
- 2) Notice to Vacate
- 3) Eviction Petition
- 4) Eviction Answer
- 5) Eviction Judgment

Each document, except for the judgment, has separate instructions, written in plain language so that they can be used by self-represented landlords and tenants.

The first document in the kit, Lease Termination after Foreclosure Notice, is not filed with a court but outlines the steps a landlord must take to evict a residential tenant in a foreclosed property. It is a one-page document with two pages of instructions on how and when to use it.

The Notice to Vacate is also not filed but is required to bring an eviction suit. It will be applicable in most circumstances. The accompanying instructions detail how to complete the form and has a dual purpose of providing a reminder to the landlord of how the Notice to Vacate was actually served.

The Eviction Petition, Eviction Petition Answer, and Eviction Judgment complete the packet. Both the Eviction Petition and the Eviction Petition Answer have detailed instructions, written in plain language, so that a self-represented litigant should be able to complete and file the documents without assistance.

### **Distribution Plan**

The Task Force plans on distributing the will forms in electronic format via TexasLawHelp.org and via links on other websites to TexasLawHelp.org to minimize cost and maximize statewide availability. Additionally, the Task Force hopes that these forms will be developed as fillable forms with the E-File Texas Self-Help website.

### **Next Steps**

The Task Force began drafting Repair and Remedy forms during the November 2018 meeting. The Task Force expects the forms to be finalized in early 2019. Once complete, the Task Force will discuss which forms to draft next.

### **Summary**

On behalf of the Task Force, I would like to thank the Court for its support of this project. Members are working hard to produce plain language Landlord-Tenant forms that benefit the public and assist with court efficiency. We look forward to continuing the work of the Task Force and, as always, are available to the Court at any time.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'CVilla', is positioned above the typed name of the signatory.

Hon. Carlos Villa  
Chair

AN ACT

relating to the promulgation of certain forms for use in landlord-tenant matters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.019 to read as follows:

Sec. 22.019. PROMULGATION OF CERTAIN LANDLORD-TENANT FORMS. (a) The supreme court shall, as the court finds appropriate, promulgate forms for use by individuals representing themselves in residential landlord-tenant matters and instructions for the proper use of each form or set of forms.

(b) The forms and instructions must:

(1) be written in plain language that is easy to understand by the general public;

(2) clearly and conspicuously state that the form is not a substitute for the advice of an attorney;

(3) be made readily available to the general public in the manner prescribed by the supreme court; and

(4) be translated into the Spanish language, and the Spanish language translation of the form must either:

(A) state that the Spanish language-translated form is to be used solely for the purpose of assisting in understanding the form and may not be submitted to the court, and that the English version of the form must be submitted to the court;

1 or

2 (B) be incorporated into the English language  
3 form in a manner that is understandable to both the court and  
4 members of the public.

5 (c) The clerk of a court shall inform members of the public  
6 of the availability of the form as appropriate and make the form  
7 available free of charge.

8 (d) A court shall accept a form promulgated by the supreme  
9 court under this section unless the form has been completed in a  
10 manner that causes a substantive defect that cannot be cured.

11 SECTION 2. This Act takes effect September 1, 2015.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 478 passed the Senate on March 31, 2015, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 478 passed the House on May 22, 2015, by the following vote: Yeas 138, Nays 2, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 17-9046

## ORDER CREATING LANDLORD-TENANT FORMS TASK FORCE

1. Senate Bill 478, passed in the 2015 legislative session, amended Government Code Section 22.019 to direct the Court to make certain forms for use in landlord-tenant matters. *See* Acts 2015, 84th Leg., R.S., ch. 600, General and Special Laws of Texas (S.B. 478) (amending TEX. GOV'T CODE § 22.019).
2. The Court therefore orders the establishment of a Landlord-Tenant Forms Task Force to make recommendations to the Court regarding the forms. The following persons are appointed to serve as members:

Hon. Carlos Villa	San Antonio	Robert Garcia	El Paso
Misty Beaty	Plano	Abby Lee	Austin
Peter Bennett	Houston	Roland Love	Dallas
Linley Boone	Edinburg	Trish McAllister	Austin
Hon. Ann-Marie Carruth	Lubbock	Rick Melamed	Houston
David Fritsche	San Antonio	Nelson Mock	Austin
Suzanne Frossard	Tyler	Hon. Ralph Swearingin, Jr.	Ft. Worth
3. The Honorable Carlos Villa is appointed as Chair of the Task Force.
4. The Court's liaison to the task force is Justice Jeffrey V. Brown. The Texas Access to Justice Commission may designate staff members to serve as liaisons to the task force.
5. The Task Force should provide a status report to the Court by December 1, 2018.

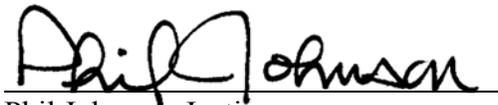
Dated: May 2, 2017.



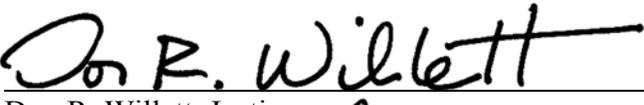
Nathan L. Hecht, Chief Justice



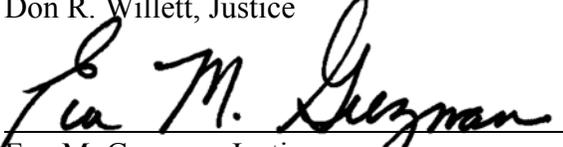
Paul W. Green, Justice



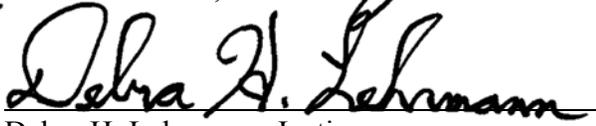
Phil Johnson, Justice



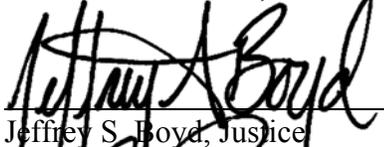
Don R. Willett, Justice



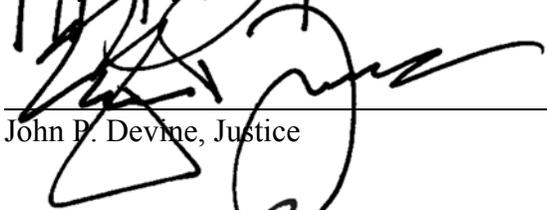
Eva M. Guzman, Justice



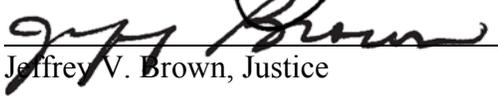
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

# INSTRUCTIONS FOR LEASE TERMINATION AFTER FORECLOSURE NOTICE

## Use This Form If:

- You want to terminate the lease of a tenant in a foreclosed property who is not in default. If the tenant is in default of the lease, use Notice to Vacate Prior to Filing Eviction form instead.

These instructions are meant to be used with the Lease Termination after Foreclosure Notice. You should read these instructions carefully.

*These instructions are not intended to provide legal advice and are not a substitute for the advice of an attorney.*

The federal Protecting Tenants at Foreclosure Act (reinstated in 2018) gives tenants certain rights in foreclosed properties. If you wish to terminate the lease of a tenant in a foreclosed property, **before you give them a written notice to vacate**, you must first give the tenant a written lease termination notice.

The written lease termination notice tells the tenant when the lease will end. If you intend to live in the foreclosed property as your primary residence, you must give at least a 90-day lease termination notice.

If you do not intend to use the unit as your primary residence, the notice must state that the tenant will need to leave in 90 days or when the lease ends, *whichever is longer*. For example, you must give them a 90-day lease termination notice for a month-to-month tenant. Or, if the tenant still has six months left on their lease, you must give them a written notice at least 90 days before the end of the lease that the lease will be terminated after the lease term ends.

Tenants get this notice if,

- the tenant is not the person whose mortgage was foreclosed, or that person's child, spouse, or parent,
- the tenant's rental amount is not substantially less than a fair market rent for the property, and
- the tenant entered into the lease before the foreclosure.

If you do not intend to live in the foreclosed property as your primary residence,

- Give a tenant a written lease termination notice *before you give them a notice to vacate*.
- The termination notice must be the longer of:
  - 90 days or
  - the end of the lease

**If the tenant has not left after the time period in the lease termination notice, you must then give the tenant a written notice to vacate. See Notice to Vacate Prior to Eviction Instructions.**

Nothing in the Protecting Tenants at Foreclosure Act changes any other responsibilities under the lease.

You may evict a tenant who is not paying rent or is otherwise in default of the lease. If you are the new owner of a foreclosed property, it is a good idea to give the tenant written notice of where to pay rent and

documentation that you are the new owner. If a default occurs, you must give the tenant a written notice to vacate. All other terms in the lease remain in effect.

The italicized words below are from the Lease Termination after Foreclosure Notice form. In the form, the word “you” refers to the tenant.

- *To* – List all tenants who live at the property.
- *From* – Write the current owner’s name (not the current owner’s authorized agent).
- *Property Address* – Write the street address, unit number (if any), city, state, and ZIP code of the property.
- *The current owner does not intend to renew or extend the lease* – Check the first box if the current owner will NOT be living in the property once the tenant leaves; check the second box if the current owner will be living in the property.
- The current owner *or* the current owner’s authorized agent must sign and date the notice. That person’s contact information must be listed on the notice.

DRAFT

# LEASE TERMINATION AFTER FORECLOSURE NOTICE

To: Tenant/s \_\_\_\_\_

*List all tenants.*

From: Current Owner \_\_\_\_\_

Property Address: \_\_\_\_\_

The current owner does not intend to renew or extend the lease. **(Check ONE box)**

- the current owner does not intend to live in the property. You have 90 days from the date of delivery of this notice or the end of your lease (if more than 90 days) to vacate the property. Please vacate by this date: \_\_\_\_\_ .
- the current owner intends to live in the property. You have 90 days from the date of delivery of this notice to vacate the property. Please vacate by this date: \_\_\_\_\_ .

Please vacate the property on or before the date listed above, return all keys to the current owner or current owner's authorized agent, and provide written notice of your forwarding address if you are requesting the return of a security deposit, if any.

\_\_\_\_\_  
**Owner or Authorized Agent Signature**

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip Code*

\_\_\_\_\_  
*Phone Number*

\_\_\_\_\_  
*E-mail address (if you use one)*

This Lease Termination after Foreclosure Notice is not intended to provide legal advice and is not a substitute for the advice of an attorney.

# INSTRUCTIONS

## NOTICE TO VACATE PRIOR TO FILING EVICTION

You must give a Notice to Vacate to your tenant before you file an eviction. Use this form to do that. A Notice to Vacate gives the tenant an opportunity to leave before you file the eviction. Landlords of subsidized and public housing may have additional obligations under lease and law.

**Caution: If you want to evict a tenant from a foreclosed property and they are not in default, you must first give a lease termination notice. See Lease Termination After Foreclosure Notice and Instructions.**

These instructions are meant to be used with the Notice to Vacate Prior to Filing Eviction. Texas Law has strict rules about the content and delivery of the Notice to Vacate. If you do not fill out and deliver the notice properly, it could be invalid. You should read these instructions carefully.

*These instructions are not intended to provide legal advice and is not a substitute for the advice of an attorney.*

The italicized words below are from the Notice to Vacate form. The word “you” on the form refers to the tenant.

- *To* – List all tenants who live at the property.
- *From* – Write the landlord’s name (not the landlord’s authorized agent).
- *Property Address* – Write the street address, unit number (if any), city, state, and ZIP of the property.
- *You must vacate the property on or before* – Write the date the tenant must vacate the property. This date must be a minimum of 3 days, not including the date of delivery, unless the parties agreed on a short or longer notice period in a written lease or agreement. Texas Property Code Section 24.005(a),(b).
- *Reason for the notice to vacate* – Check all that apply. List any reasons for the eviction other than nonpayment of rent on the lines next to “other”.
- The landlord or landlord’s authorized agent must sign and date the notice. That person’s contact information must be listed on the notice.

The Notice to Vacate must be delivered in at least one of the following ways per Texas Property Code Section 24.005(f), (f-1), (f-2). For your records, check all that apply.

- Hand Delivered** to \_\_\_\_\_ on \_\_\_\_\_ by \_\_\_\_\_.  
*Must be to the Tenant or any person residing at the property who is 16 years of age or older.*
- Posted on the inside of the main entry door** on \_\_\_\_\_ by \_\_\_\_\_.  
*Personal delivery to the premises must be posted to the inside of the main entry door.*
- Certified Mail**, Return Receipt Requested Number \_\_\_\_\_.
- Regular Mail** *Notice by mail may be regular mail or registered mail to the premises in question.*
- Attached to the **outside** of the main entry door. *Read very carefully below.*

For notice given on the outside of the main entry door:

- the property must not have a mailbox AND the current owner cannot enter the property to attach the notice on the inside of the door because of an alarm system or dangerous animal or keyless bolting device OR
- the current owner reasonably believes someone will be harmed if the notice is delivered in person or attached to the inside of the door.

To deliver notice by attaching to the outside of the main entry door, you **MUST** do the following things:

1. Securely attach the notice to the main entry door in a sealed envelope with the tenant's name, address, and, in capital letters, the words "IMPORTANT DOCUMENT" on it; AND
2. Mail the notice from the same county as the property no later than 5pm the same day as the notice is attached to the outside of the main entry door.

DRAFT

# NOTICE TO VACATE PRIOR TO FILING EVICTION

PER TEXAS PROPERTY CODE §24.005

To: Tenant/s \_\_\_\_\_  
*List all tenants.*

From: Landlord \_\_\_\_\_

Property Address: \_\_\_\_\_

Date of Delivery: \_\_\_\_\_

You must vacate the property on or before: \_\_\_\_\_

*Minimum of 3 days from Date of Delivery, unless parties agreed on a shorter or longer notice period in a written lease or agreement. Texas Property Code Section 24.005 (a), (b).*

1. Reasons for this Notice to Vacate: (CHECK ALL THAT APPLY)

- Nonpayment of Rent,
- Lease Violations/Other \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. If you do not timely vacate the property, the Landlord may file an eviction suit for possession of the property.

\_\_\_\_\_  
**Landlord or Authorized Agent Signature**

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip Code*

\_\_\_\_\_  
*Phone Number*

\_\_\_\_\_  
*E-mail address (if you use one)*

**WARNING: Texas Law has strict rules about the content and delivery of this notice. If the landlord does not fill out and deliver this notice properly, it could be invalid. Read the attached instructions carefully.**

This Notice to Vacate Prior to Filing Eviction is not intended to provide legal advice and is not a substitute for the advice of an attorney.

# INSTRUCTIONS

## EVICITION PETITION

*These instructions do not provide legal advice and are not a substitute for the advice of an attorney.*

These instructions are meant to be used with the Eviction Petition. Texas Law has strict rules about when you can file an eviction. Read these instructions carefully.

### Use this form if:

- You want to evict a tenant you have already served a Notice to Vacate.

### Instructions:

Heading: The Clerk's office will fill in several of these.

- *Case Number* – Leave this blank. The Clerk's office will fill in the Case Number when you file this form.
  - *Name of Plaintiff/Landlord* – Write the Landlord's name (not the landlord's authorized agent).
  - *Name of Defendant(s)/Tenant(s)* – Write the names of the people you want to evict.
  - *Precinct/Place Number* – Write in the precinct number of the justice precinct in which the Property is located. If you do not know, ask the court clerk or check the court's website.
  - *County, Texas* – Write in the name of the county in which the property is located.
  - *Court Time AND Court Date* – Leave these blank. The Clerk's office will fill in this information when you file the form.
1. *Complaint* – Write the street address, unit number (if any), city, and state of the property.
  2. *Service of Citation* – Write each Defendant's name and any other known home and work addresses for each Defendant. Check the box and write in the county if you don't know of any other addresses for Defendant/Tenant.
  3. *Lease* – Check the box next to the type of lease Defendant/Tenant has (written or oral) and write in the dates the lease began and ends.
    - Check whether Defendant/Tenant pays rent monthly or weekly.
    - If Defendant/Tenant gets a rent subsidy, write in the amount of the subsidy (for example a Housing Authority or other agency pays for part of the rent).
    - Write in Defendant/Tenant's portion of the rent.
    - Write in the total amount of rent due each week or month.
  4. *Grounds for Eviction:* Check all that may apply.
    - If Defendant/Tenant did not pay rent on time, check the box next to "Failure to Timely Pay Rent as Grounds for Eviction". List each month in which Defendant/Tenant did not fully pay rent and the amount unpaid for that month. List the TOTAL unpaid rent for all months (without late fees or other non-rent amounts).

- If Defendant/Tenant did not move out of the Property at the end of the lease, check the box next to “Holdover as Grounds for Eviction”. Write the date the lease ended.
  - If Defendant/Tenant violated any terms of the lease other than unpaid rent or holdover, check the box next to “Other Grounds for Eviction/Lease Violations”. Describe the reasons Defendant/Tenant should be evicted.
5. *Request for Unpaid Rent* – Check the first box if you are asking the court to award you unpaid rent.
  6. *Notice to Vacate* – You must deliver a Notice to Vacate to Defendant/Tenant, wait the appropriate amount of days, and then you can file the Eviction Petition. State how you delivered the Notice to Vacate to the Defendant/Tenant. If you have questions, see *Instructions Notice to Vacate Prior to Filing Eviction*.
  7. *Attorney’s Fees* – Check the first box if you are asking the court to award you any attorney’s fees.
  8. *Immediate Possession Bond* – Check the first box if you are separately filing an immediate possession bond with the court as described in Texas Rule of Civil Procedure 510.5.
  9. *Request for Judgment* – You do not need to do anything here.
  10. *Email Address Consent* – Check the box in this section if you agree to receive documents from the court or Defendant/Tenant at an e-mail address that you regularly use. If you check this box, it is important that you daily check the e-mail that you provide. The documents or notices you receive may contain short time-sensitive deadlines or hearing dates you may need to act upon quickly.  
  
If you check this box, you may not receive copies by mail. You should check email frequently for deadlines.
  11. *Plaintiff/Authorized Agent Information* – List your name, address, phone, and fax numbers.
  12. *Sworn Statement* – By checking **ONE** of the following boxes, you are declaring under penalty of perjury that everything in the petition is true and correct.

**CHECK AND COMPLETE ONLY ONE BOX.**

- *Declaration* – Check this box if there is not a notary available, you choose not to use a notary, or you do not want the required information in the public court record. If you choose this option, you must write your name, birthdate, and address. Sign your name, and write the date, county, and state in which you signed.
- *Notary* – Check this box if you want to sign the Eviction Petition in front of a notary (which does not require disclosing your birthdate or address here). **DO NOT SIGN UNTIL YOU ARE WITH A NOTARY.** Write your name and sign in front of a notary or the clerk of the court. Some notaries charge a fee.

Case Number. \_\_\_\_\_  
(The Clerk's office will fill in the Case Number when you file this form)

\_\_\_\_\_  
Name Of Plaintiff/Landlord

In the \_\_\_\_\_ Court, Precinct \_\_\_\_\_, Place \_\_\_\_\_,  
(Court Type) (Precinct and Place Number)

VS.

\_\_\_\_\_ County, Texas

(County Name)

\_\_\_\_\_  
Name Of Defendant(s)/Tenant(s)

Court Time: \_\_\_\_\_

**Eviction Petition**

Court Date: \_\_\_\_\_  
(If Blank, See Citation or Contact Court)

1. **Complaint:** I request that the Defendant(s)/Tenant(s) named above be evicted from the Property at:

\_\_\_\_\_  
Street Address Unit No. (If any) City State ZIP

2. **Service Of Citation:**

I request service on Defendant(s)/Tenant(s) by personal service at the usual place of residence of Defendant(s)/Tenant(s) or by alternative service as permitted by law (Texas Rules of Civil Procedure 510.4(c)).

List all work and home addresses you know of for each Defendant.

Defendant Name	Usual Place of Residence	Work Address	Other Address

I know of no other home or work addresses for Defendant(s)/Tenant(s) in \_\_\_\_\_ County.  
County where property is located

3. **Lease:**  Written  Oral Date Lease Began: \_\_\_\_\_ Date Lease Ends: \_\_\_\_\_

RENT INFORMATION:  MONTHLY  WEEKLY

Rental Subsidy (if any) \$ \_\_\_\_\_

Tenant's Portion \$ \_\_\_\_\_

TOTAL RENT \$ \_\_\_\_\_

4. **Grounds For Eviction:**

Failure to Timely Pay Rent as Grounds for Eviction:

Defendant(s)/Tenant(s) failed to pay rent for the following time period(s). List the month the rent was due and the amount of unpaid rent for each month:

\_\_\_\_\_  
\_\_\_\_\_

**Total Unpaid Rent Due as of Filing Date:** (DO NOT INCLUDE late fees or other non-rent amounts.)  
\$ \_\_\_\_\_.

Holdover As Grounds For Eviction:

Defendant(s)/Tenant(s) did not move out when the lease ended on \_\_\_\_\_.  
Month/Day/Year

Other Grounds for Eviction/Lease Violations:

Describe facts or reasons (List violations other than unpaid rent or holdover):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. **Request for Unpaid Rent:**  I am  I am NOT asking for the above total unpaid rent. At trial, I have the right to request the amount of unpaid rent through the final judgment date.

6. **Notice To Vacate:** I delivered a written notice to vacate the Property on \_\_\_\_\_ by this method:  
*Month/Day/Year*  
\_\_\_\_\_ (as required by Texas Property Code 24.005).

7. **Attorney's Fees:**  I will be  I will NOT be asking for attorney's fees.

8. **Immediate Possession Bond:**  I am  I am NOT filing an immediate possession bond with this complaint (as described in Texas Rule of Civil Procedure 510.5).

9. **Request for Judgment:** I request that Defendant(s)/Tenant(s) be served with citation and that I get a judgment against Defendant(s)/Tenant(s) for possession of the Property, court costs, and anything requested above, plus interest as allowed by law or the lease.

10. **Email Address Consent:**  **By checking this box,** I agree to receive any documents, notices, or pleadings about this case from the Court or the Defendant/Tenant at the following email address that I check daily. (Some courts and parties do not use email.):

\_\_\_\_\_  
**(Note: If you check this box you may not receive copies by mail. You should check email frequently for deadlines.)**

**11. Plaintiff/Authorized Agent Information**

\_\_\_\_\_  
*Print Name of Plaintiff/Landlord or Authorized Agent*

\_\_\_\_\_  
*Phone & Fax Numbers*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*ZIP*

**12. Declaration or Notary:** Complete one of the two following sections.

Declaration:

I declare under penalty of perjury that everything in this petition is true and correct.

My name is \_\_\_\_\_ . My birthdate is: \_\_\_/\_\_\_/\_\_\_ .

My address is \_\_\_\_\_  
*Street City State ZIP Country*

\_\_\_\_\_  
*Signature* signed on \_\_\_/\_\_\_/\_\_\_ in \_\_\_\_\_ , \_\_\_\_\_  
*Month/Day/Year County Name State Name*

Notary:

\_\_\_\_\_  
*Plaintiff Printed Name*

\_\_\_\_\_  
*Signature*

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CLERK OF THE JUSTICE COURT OR NOTARY

## FAQs AND INSTRUCTIONS FOR DEFENDANT/TENANT'S ANSWER IN AN EVICTION CASE

*These instructions do not give legal advice and are not a substitute for the advice of a lawyer.*

Read these instructions carefully. References to Rules are to the Texas Rules of Civil Procedure, available at <http://www.txcourts.gov/rules-forms/rules-standards/>.

### I. **Frequently Asked Questions about Filing an Answer**

#### 1. **When would I use this form?**

When your landlord has sued you for eviction and you've received papers from the court listing a date and time to go to court for the trial.

#### 2. **What is an answer?**

An answer is a written response that you file with the court after you are sued. It is a way for you to tell the court your side of the story. An answer can simply deny all the landlord's claims without giving a specific reason why ("I generally deny the claims of the landlord in this eviction"), or you can give specific reasons why the landlord should not be allowed to evict you. Rule 502.5.

An answer must have your name, address, telephone number, and fax number (if any). The Court or your landlord might use email to send information, notices and documents about the court case. If you agree to get these things by email, list your email address in the answer. **If you agree, it is very important to check your email at least once every day. There may be short deadlines.**

#### 3. **Do I need to file an answer with the Justice Court before trial?**

Maybe. You are not required to file an answer with the Justice Court before your eviction trial, however, there are very good reasons why you should. *Rule 510.6(a)*.

#### 4. **Why should I file an answer with the Justice Court?**

- It gives you the opportunity to explain to the judge the specific reasons, if any, you think the landlord doesn't have the right to evict you. *See #2 in the Instructions section on pages 2-4 for a list of reasons.*
- If you have filed an answer but don't show up at the trial, the landlord has to prove why you should be evicted. If the landlord can't prove that you should be evicted, you win. If you don't file an answer, the landlord can just rely on the documents that the landlord filed without having to prove anything further. *Rules 503.6(c) and 510.6(b)*.

- If either party appeals the eviction to County Court, you must file an answer with the court. If you've already filed an answer in Justice Court, you don't have to file another one in County Court. If you haven't already filed an answer, **you must file an answer in County Court within 8 days after the case is transferred from Justice Court to County Court.** If you did not file an answer in Justice Court and do not file an answer in time in County Court, the landlord can ask for a default judgment and you will be evicted. *Rule 510.12.* If you have questions about this deadline, call the court clerk or check the letter you got about the appeal, which should say when it is due.

5. Should I file an answer if my case is appealed to the County Court?

Yes. If you did not file an answer with the Justice Court, you **must** file an answer on appeal within 8 days after the case was transferred from Justice Court to County Court. You should still file an answer even if the 8 day deadline has passed.

II. Instructions for Filling out Defendant/Tenant's Written Answer:

Top Part of the Form/Heading: This information should be on documents you have received from the court about your eviction case.

- *Case Number* –If you cannot find the Case Number, you can ask the clerk's office to give you that number.
- *Name of Plaintiff/Landlord* – Write the landlord's name.
- *Name of Defendant(s)/Tenant(s)* – Write your name.
- *Type of Court and Precinct/Place Number* –This is where the case was filed. If you do not know, ask the court clerk or check the court's website.
- *County, Texas* – Write in the name of the court's county.

1. *Name* – Write your name.

This section states "I generally deny the claims that Plaintiff/Landlord has made". You can file an answer that denies the landlord's claims without listing any reasons. If you don't list any reasons, you can still tell the judge at your trial why you should not be evicted. Rule 502.5(b).

2. *Specific reasons, if any, that I should not be evicted*– **You are not required to check any boxes.**

Here, you can give the judge specific reasons why you should not be evicted. If you check specific reasons, you will need to testify under oath and bring any documents, witnesses, or other evidence with you to your trial. Specific reasons why you should not be evicted could include:

- a. The landlord did not do something correctly:
  - i. *Notice to vacate:* The landlord did not give you a proper Notice to Vacate before filing the eviction. *For information on what a notice must contain*

*and how it must be delivered, see Instructions for Notice to Vacate Prior to Filing Eviction Suit.*

Examples include: the landlord did not give you notice at all, the notice gave you less time than it should, the notice was given to you improperly, or the notice was not worded correctly. *For more information on what a notice must contain and how it must be delivered, read your lease and/or Texas Property Code § 24.005.*

- ii. *Statute of limitations:* If the landlord is trying to evict you for something that happened more than 2 years ago, the landlord did not file this case in time. *Texas Civil Practices and Remedies Code § 16.003(a).*
  - iii. *No 10-day written notice to pay rent in a mobile home park:* If you rent a mobile home lot but not the mobile home, the landlord must give you 10 days' notice to pay rent before filing the eviction. *Texas Property Code § 94.206.*
- b. You did something timely that should keep you from being evicted:
- i. *Rent paid:* You are being evicted for not paying rent, but you timely paid the rent that the landlord says you owe.
  - ii. *Attempted to pay rent:* You tried to pay rent on time, but the landlord did not accept it. This should not be the reason you are evicted.
  - iii. *New Lease:* You signed a new lease with the landlord after the date the landlord says you violated your old lease.
- c. The plaintiff who filed this eviction lawsuit does not have the right to evict you:
- i. *Ownership of the Property:* You are an owner or part owner of the property and should not be evicted. In an eviction, a court cannot resolve a question of ownership or title. *Texas Rules of Civil Procedure 510.3(e).*
  - ii. *Not the Landlord or Authorized Agent:* The plaintiff who filed this eviction is not the landlord or landlord's authorized agent of the property. *Texas Rules of Civil Procedure 500.4 and Texas Property Code § 24.011*
- d. The Plaintiff/Landlord cannot evict you because you have certain rights:
- i. *Retaliation:* The landlord is retaliating against you because you asked for repairs, complained to code enforcement, participated in a tenant organization, or used other rights you have under the lease or law. A landlord cannot evict you for exercising these rights. *Texas Property Code § 92.335.*

However, the landlord can still evict you if the landlord can prove that you are being evicted for other reasons, like failure to pay rent on time; or you committed serious misconduct or criminal acts; or you or

someone with you intentionally damaged the property or threatened someone. *Texas Property Code § 92.332.*

- ii. *Disability:* The landlord denied your request for a reasonable accommodation of your disability, and this eviction is related to that denial.

If you have a disability, the landlord may not refuse to make reasonable accommodations if they are necessary for you. For example, if you request it and it is related to your disability, a landlord must allow a service animal in a "no pets" apartment complex, or allow a tenant who receives a disability benefits check on the third day of each month to pay the rent on that day without incurring late fees. *Texas Property Code § 301.025(c)(2).*

However, a landlord does not have to accommodate a tenant if: 1) the tenant is a direct threat to the health and safety of others, 2) the accommodation would result in substantial physical damage to the property of others, 3) the request was not made by, or on behalf of, a person with a disability, 4) there is no disability-related need for the accommodation, or 5) providing the accommodation is not reasonable. *For a complete list of when a landlord can refuse to accommodate a disability, please see [Reasonable Accommodations under the Fair Housing Act](#).*

3. *I want to receive all documents or notices at the email address below.* Check this box if you agree to get notices through email. List an email address that you regularly use in the space provided in #4 below. If you check this box, **check your email at least once every day** because the documents or notices you receive about the eviction may contain time-sensitive deadlines or hearing dates you may need to act upon quickly. You may not get paper copies through the mail if you choose to get email notices.
4. *I ask the Court to:*
  - a. *Signature* – Sign the answer.
  - b. *Mailing address* – Write the address where you want to receive notices and documents from the court or the Plaintiff/Landlord. These notices may contain dates of court hearings or things that you may need to act upon quickly, so make sure that the address you list is legible, accurate, and a place you frequently check.
  - c. *Phone number* – List a phone number where you can be reached by the court.

#### Certificate of Service

- *Check one* – You must send a copy of the answer that you file with the court to the Plaintiff/Landlord. These checkboxes list the different ways you can do that. Check the one you used.
- *Signature* – Sign and date the Certificate of Service. When you do, you are certifying that you sent the answer to the Plaintiff/Landlord.

Case Number \_\_\_\_\_  
(Look at the Petition or contact the court for this information)

\_\_\_\_\_  
Name of Plaintiff/Landlord

vs.

\_\_\_\_\_  
Name of Defendant(s)/Tenant(s)

In the (Check one)

- Justice Court, Precinct \_\_\_\_\_
- County Court, Number \_\_\_\_\_

\_\_\_\_\_ County, Texas  
(County Name)

**Defendant/Tenant's Answer**

1. My name is: \_\_\_\_\_  
*Print your full name. (Each Defendant should file an answer.)*

I am a Defendant/Tenant in this case.

I generally deny the claims that the Plaintiff/Landlord has made. (Texas Rule of Civil Procedure 502.5(b).)

2. Specific reason(s) I should not be evicted are as follows: (Check any that apply. Not required.)

- The landlord did not give me a proper Notice to Vacate before filing this eviction.
- The reason the landlord filed this eviction is for something that happened more than two years ago.
- I live in a mobile home or trailer, and the landlord of the lot I rent did not give me ten (10) days written notice to pay the rent before filing this eviction.
- I timely paid the rent the landlord says I owe.
- I tried to timely pay the rent the landlord says I owe, but the landlord refused to accept it.
- I signed a new lease after the date the landlord says I violated my lease.
- I am a part or full owner of the property in this case.
- The person or entity that filed this eviction case is not the property owner or owner's authorized agent.
- The landlord is retaliating against me because I asked for repairs or used other rights I have under the lease or law. (Retaliation is not a defense to eviction if the landlord can prove you are being evicted for reasons other than to retaliation, like non-payment of rent. See instructions, paragraph 2.d.i.)

Describe what is going on:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have a disability as defined by the Fair Housing Act (Texas Property Code § 301.003(6)); I requested an accommodation for my disability; the landlord refused to provide a reasonable accommodation; and that is why I am being evicted. (Refusing to accommodate a disability is not a defense if the landlord can prove you are being evicted for reasons other than your disability, like non-payment of rent. See instructions, paragraph 2.d.ii.)

State in detail any other reasons why you should not be evicted. (Not required.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I want to receive all documents or notices about this case at the address below.

**By checking this box**, I agree to receive any documents, notices, or pleadings about this case from the Court or the Plaintiff/Landlord at the following email address that I check daily. (Some courts and parties do not use email.):

(Note: If you check this box you may not receive copies by mail. You should check email frequently for deadlines.)

4. I ask the Court to:

Grant judgment in my favor;  
Assess all costs against Plaintiff/Landlord;  
Grant attorney's fees, if they can be assessed; and  
Grant me any other relief to which I am entitled.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, ZIP Code*

\_\_\_\_\_  
*Phone Number*

### Certificate of Service

I certify that a copy of this document was delivered to the Plaintiff/Landlord on this date by:

(Check one.)

- Certified or registered mail, return receipt requested number \_\_\_\_\_
- Fax to (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_
- E-mail (if Plaintiff/Landlord has agreed, in writing, to receive documents by e-mail), to:

Hand delivery



\_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Date*

Case Number \_\_\_\_\_

\_\_\_\_\_  
Name of Plaintiff/Landlord  
vs.

In the Justice Court, Precinct \_\_\_\_\_

\_\_\_\_\_  
Name of Defendant(s)/Tenant(s)

\_\_\_\_\_  
County, Texas  
(County Name)

**FINAL EVICTION JUDGMENT**

The court heard this eviction on \_\_\_\_\_.

Plaintiff/Landlord Full Name: \_\_\_\_\_  
and  **Appeared** in person/Representative  Was duly notified and **Did Not Appear**

Defendant/Tenant Full Name: \_\_\_\_\_  
and  **Appeared** in person/Representative  Was duly served and notified and **Did Not Appear**

This case was tried to:  Judge  Jury

After considering the pleadings, evidence and arguments of the parties, and if applicable, the jury's verdict, the Court enters the following:

- 1.  **Judgment in favor of Plaintiff/Landlord.** It is ORDERED that Plaintiff/Landlord shall recover from Defendant/Tenant:
  - Possession of the property located at: \_\_\_\_\_.
  - Court costs in the amount of \$ \_\_\_\_\_.
  - Total unpaid rent in the amount of \$ \_\_\_\_\_,
  - Attorney's fees \$ \_\_\_\_\_.

OR

- Judgment in favor of Defendant/Tenant.** It is ORDERED that Plaintiff/Landlord take nothing from Defendant/Tenant, that Defendant/Tenant can stay in possession of the property at \_\_\_\_\_ and that Defendant/Tenant shall recover from Plaintiff/Landlord:
  - Court costs in the amount of \$ \_\_\_\_\_.
  - Attorney's fees \$ \_\_\_\_\_.

- 2. **Post Judgment Interest:**  
Interest on the above sums shall accrue from this date at \_\_\_\_\_% per annum until paid.

- 3. **Appeal:**  
Either party can appeal this judgment within 5 days. An appeal can be made by filing a bond or cash deposit in the amount of \$ \_\_\_\_\_ or by a Statement of Inability to Afford Payment of Court Costs.

4. **Rent:**

If this is a non-payment of rent case and this judgment is in favor of Plaintiff/Landlord, the Court finds according to the lease and applicable laws and regulations that

weekly/  monthly rent is \$\_\_\_\_\_ ; of which \$\_\_\_\_\_ is paid by the Defendant/Tenant and \$\_\_\_\_\_ is paid by a government agency, if applicable.

5. **Writ of Possession:**

If Defendant does not move out or appeal by \_\_\_\_\_, then Plaintiff/Landlord may request a Writ of Possession ordering the proper officer to gain possession of the property within 24 hours of the service of the Writ and give possession to Plaintiff.

All writs and processes necessary to enforce this judgment shall issue. All relief not expressly granted herein is denied. This judgment is final and disposes of all parties and all claims in this case.

IT IS SO ORDERED.

Entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
PRESIDING JUDGE

## Supreme Court of Texas Probate Forms Task Force

P.O. Box 12487 • Austin, TX 78711-2487 • Tel: 512-427-1855 • Fax: 512-427-4160

### *Chair*

Hon. Polly Jackson  
Spencer

### *Members*

Mr. Carlos Aguiñaga  
Ms. Barbara Anderson  
Ms. Julie Balovich  
Mr. Craig Hopper  
Ms. Cathy Horvath  
Mr. Jerry Jones  
Hon. Steve M. King  
Ms. Trish McAllister  
Ms. Christy Nisbett  
Ms. Arielle Prangner

### *Supreme Court of Texas Liaison*

Hon. Eva M. Guzman

### *Supreme Court of Texas Staff Representative*

Osler McCarthy

November 26, 2018

The Supreme Court of Texas  
Attn: Mr. Blake Hawthorne  
Supreme Court Building  
201 West 14<sup>th</sup> Street, Room 104  
Austin, Texas 78701

**RE: Report to the Supreme Court of Texas, Misc. Docket No. 16-9003**

Dear Justices of the Supreme Court of Texas:

On behalf of the Supreme Court Probate Forms Task Force (“Task Force”), I am providing our written report to the Court summarizing the activities of the Task Force during 2018 as well as a set of four Will forms and instructions.

### **Background**

In response to Senate Bill 512, passed during the 2015 legislative session, the Court entered an order establishing the Probate Forms Task Force on January 21, 2016. See Exhibits A and B.

The members of the Task Force are:

- Hon. Polly Jackson Spencer, Chair, San Antonio
  - Mr. Carlos Aguiñaga, Corpus Christi
  - Ms. Barbara McComas Anderson, Dallas
  - Ms. Julie Balovich, Alpine
  - Mr. Craig Hopper, Austin
  - Ms. Cathy Horvath, Seguin
  - Mr. Jerry Frank Jones, Austin
  - Hon. Steve M. King, Ft. Worth
  - Ms. Trish McAllister, Austin
  - Ms. Christy Nisbett, Austin
  - Ms. Arielle Prangner, Houston

With the exception of Christy Nisbett who has retired, all of us are still actively involved in this process. The Task Force receives staffing and support from the Texas Access to Justice Commission. The Court’s liaison is Justice Eva M. Guzman and the Court’s Public Information Officer, Osler McCarthy, serves as the Court’s staff representative.

Since our first meeting on March 3, 2016, we have met almost monthly to work on this project. It has been an interesting and challenging job for us, but we have enjoyed working on it and getting to know each other better in the process. We are grateful for that opportunity.

### **Probate Forms Development**

We were given a specific charge to create three types of documents:

1. A Small Estate Affidavit under § 205 of the Estates Code;
2. Forms for the probate of a Will as a Muniment of Title under §257 of the Estates Code;
3. Simple Will Forms

We determined that Wills were an area of high need for low-income people and chose to work on them first. We thought it would be a fairly quick process. That has not proven to be true. The initial assignment for the creation of simple Wills forms was to create six forms:

1. Married with No Children Will
2. Married with Adult Children Will
3. Married with Minor Children Will
4. Single with No Children Will
5. Single with Adult Children Will
6. Single with Minor Children Will

Rather early in the process, the committee came to the conclusion that the forms for those with minor or adult children should be combined. As a result, we have prepared and include in Exhibit C with this report four forms as opposed to six:

1. Married with No Children Will
2. Married with Children Will
3. Unmarried with No Children Will
4. Unmarried with Children Will

The process has been much more difficult and time-consuming, I think, than any of us anticipated, and, at various times, we have all become quite frustrated. We are still friends, though. I believe the length of time this has taken and our frustration have been due to two specific factors: our need to write forms in “plain language that is easy to understand by the general public” and our belief that these forms needed to have a long “shelf life” and cover a variety of future contingencies. As directed, these documents are intended to be completed without the assistance of an attorney. This is significantly different from the preparation and execution of a Will prepared and overseen by an attorney.

Our initial work centered on reviewing a set of somewhat similar forms and instructions that came from California. We spent some time discussing the format of those forms. We determined that the forms should provide sufficient space for hand-entered information and directions to allow them to be completed accurately, as well as increase the likelihood that no changes or additions could later be made. This involved discussions about how many spaces we should provide for listing children, about

using boxes for these lists, about requiring signatures or initials for each space, and similar considerations. We were attempting to be certain that our instructions and formatting were understandable at a third grade education level.

We discussed many times the potential for people – the testator or possibly others – to tamper with these forms or add to them after they were signed and notarized. This could possibly invalidate the document and would certainly cause problems at the time of a probate. One member of the committee remains particularly concerned about this problem and expresses that concern regularly. Ultimately, despite these concerns, the committee decided on a format generally in keeping with what we are presenting to you. We recognize that the Court may wish to change the formatting before release to the public.

Our mandate to write these forms in “plain language that is easy to understand by the general public” also contributed to the length of time it has taken us to complete the forms. While all law disciplines have specialized language, we believe that is particularly true in this area of law. A good example is our attempt to write the term “descendants *per stirpes*” in plain language. We debated the wording multiple times as well as where to place our explanation of *per stirpes*. For example, should this be in a separate instruction, or at the end of the form, or included at the point in the Will to which it is pertinent. Similar conversations occurred about the use of many legal and Will-specific terms such as descendant, testator, survivorship, community property, separate property, executor, guardian, personal property, real property, residence, domicile, custodian and the like.

We had discussions about using bolding in the formatting and whether or not we should use the word “italics” to distinguish true parts of the Will itself from instructions embedded in the Will. As I am sure the Court often does with its opinions, we spent time considering the appropriate placement of commas. Additionally, in the usually one month time between meetings, members would reconsider matters thought to be decided and request further discussion with frequently very cogent reasons to make a change.

Several committee members had worked or now work at Legal Aid and provide valuable insight about their clientele. As a result, we have tried to accommodate circumstances that often arise in legal aid cases, such as raising a child who is not their biological or adopted child as their own, or spouses who could not afford to get legally divorced and have lived apart, perhaps with other partners, for many years, or people whose major asset is the home that they share with one or more adult members of their extended family. Our consideration of these factors was based on a desire to provide options for a variety of situations that a person in need of a Will may find themselves.

In that regard, we have incorporated some choices for the user. They have the option to include children not their own as “children” within the definition in the Will. We included choices about how people might wish to leave their property to their spouse, children, neither, or all. We also offered some suggestions about naming Custodians under the Uniform Transfers to Minors Act.

However, we also chose to limit some choices. We allowed them to name only one person to serve as executor at a time, although the law allows otherwise. We declined to include any trust provisions for

certain beneficiaries, believing that situation to be complex and best served by employing an attorney. We also incorporated a self-proved Will affidavit, although that is not required by law.

We believe that it is quite likely these forms will be completed and kept for years before the need for probate arises – hence, my earlier comment about a long shelf life. Many of us have had years of experience with the probating of Wills and have seen innumerable situations in which Wills offered for probate were decades old. With that in mind, we tried to draft these Wills, as any good attorney would, to cover multiple contingencies that might arise after the Wills are signed. This puts the drafting of these forms in a unique position. Other forms, such as divorce forms, are normally completed and used within a short time, and reviewed in a court proceeding with the parties present. Mistakes would be recognized and presumably corrected quickly. In the case of Wills, these documents are likely to be completed, put away for some period of time, and reviewed by a court only after the testator’s death, when it is too late to clarify any discrepancies or correct any mistakes.

We spent considerable effort on how to write instructions for the forms. As is obvious, we opted for a set of general instructions for all of the forms, a set of instructions as a cover page for each form, instructions and explanations embedded in each form, and as a separate page of instructions for the notary. We debated where the instructions should be, being mindful that people generally tend to gloss over reading most instructions and move directly to completion of a form. Some instructions we thought should be repeated, e.g., the need to seek advice from an attorney, the need to prepare a new Will rather than making changes on the previously executed document, and the need to execute a new Will if family circumstances change significantly. We discussed how many instructions in how many different places should be printed in **bold** letters, or *shaded* or *italicized* and whether too much of that special formatting might cause people to ignore the instructions altogether.

Finally, we tested these forms with various groups. All of us took the forms to our work places and asked for feedback. We wanted to know if our forms could meet the needs of people in different circumstances and if our instructions were clear enough. The forms were also tested again in two Legal Aid clinics, and we anticipate at least one more testing situation – all, of course, without identifying them as Supreme Court forms or forms created by this task force. We made refinements to the forms based on the feedback from these beta tests.

### **Next Steps**

Members have begun drafting the small estate affidavit and will then turn to the muniment of title.

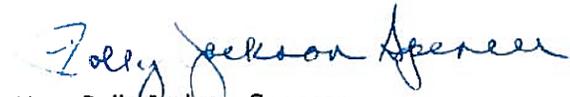
### **Summary**

We are pleased to present these forms to the Court as a product into which much time, thought and effort has gone. We recognize that the forms will be reviewed and likely revised by the Court. We also recognize that no form will be perfect and that they will probably be revised from time to time as the public uses them and provides information about their ease of use and general value.

I believe I speak for all of us when I say we would like to discuss any revisions the Court makes. I know I speak for all of us when I say that it has been an honor for us to be asked to be a part of this important

work and this task force, and would like to thank the Court for its support of this project. We look forward to continuing the work of the Task Force and, as always, are available to the Court at any time.

Very truly yours,

A handwritten signature in blue ink that reads "Polly Jackson Spencer". The signature is written in a cursive style with a large initial "P".

Hon. Polly Jackson Spencer  
*Chair*

AN ACT

relating to the promulgation of certain forms for use in probate matters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.020 to read as follows:

Sec. 22.020. PROMULGATION OF CERTAIN PROBATE FORMS.

(a) In this section:

(1) "Probate court" has the meaning assigned by Section 22.007, Estates Code.

(2) "Probate matter" has the meaning assigned by Section 22.029, Estates Code.

(b) The supreme court shall, as the court considers appropriate, promulgate:

(1) forms for use by individuals representing themselves in certain probate matters, including forms for use in:

(A) a small estate affidavit proceeding under Chapter 205, Estates Code; and

(B) the probate of a will as a muniment of title under Chapter 257, Estates Code;

(2) a simple will form for:

(A) a married individual with an adult child;

(B) a married individual with a minor child;

(C) a married individual with no children;

1                    (D) an unmarried individual with an adult child;

2                    (E) an unmarried individual with a minor child;

3 and

4                    (F) an unmarried individual with no children; and

5                    (3) instructions for the proper use of each form or set  
6 of forms.

7            (c) The forms and instructions:

8                    (1) must be written in plain language that is easy to  
9 understand by the general public;

10                   (2) shall be made readily available to the general  
11 public in the manner prescribed by the supreme court; and

12                   (3) must be translated into the Spanish language as  
13 provided by Subsection (d).

14            (d) The Spanish language translation of a form must:

15                   (1) state:

16                    (A) that the Spanish language translated form is  
17 to be used solely for the purpose of assisting in understanding the  
18 form and may not be submitted to the probate court; and

19                    (B) that the English language version of the form  
20 must be submitted to the probate court; or

21                   (2) be incorporated into the English language version  
22 of the form in a manner that is understandable to both the probate  
23 court and members of the general public.

24            (e) Each form and its instructions must clearly and  
25 conspicuously state that the form is not a substitute for the advice  
26 of an attorney.

27            (f) The clerk of a probate court shall inform members of the

1 general public of the availability of a form promulgated by the  
2 supreme court under this section as appropriate and make the form  
3 available free of charge.

4 (g) A probate court shall accept a form promulgated by the  
5 supreme court under this section unless the form has been completed  
6 in a manner that causes a substantive defect that cannot be cured.

7 SECTION 2. This Act takes effect September 1, 2015.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 512 passed the Senate on March 24, 2015, by the following vote: Yeas 30, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 512 passed the House on May 22, 2015, by the following vote: Yeas 138, Nays 2, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 16-9003

## ORDER CREATING PROBATE FORMS TASK FORCE

1. Senate Bill 512, passed in the 2015 legislative session, amends Government Code Section 22.020 to direct the Court to make certain forms for use in probate matters. *See* Acts 2015, 84th Leg., R.S. (S.B. 512) (amending TEX. GOV'T CODE § 22.020).
2. The Court therefore orders the establishment of a Probate Forms Task Force to make recommendations to the Court regarding the forms. The following persons are appointed to serve as members:

Hon. Polly Jackson Spencer	San Antonio	Jerry Jones	Austin
Carlos Aguiñaga	Corpus Christi	Hon. Steve King	Fort Worth
Barbara Anderson	Dallas	Trish McAllister	Austin
Julie Balovich	Alpine	Christy Nisbett	Austin
Craig Hopper	Austin	Arielle Prangner	Houston
Cathy Horvath	Seguin		
3. The Honorable Polly Jackson Spencer is appointed as Chair of the Task Force.
4. The Court's liaison to the Task Force is Justice Eva M. Guzman. The Court's Public Information Officer, Osler McCarthy, will serve as the Court's staff representative to the Task Force.
5. The Task Force should provide a status report to the Court by December 1, 2016.

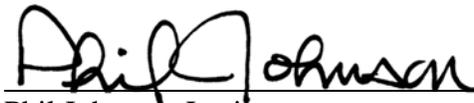
Dated: January 21, 2016.



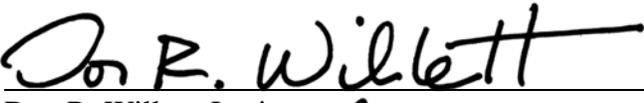
Nathan L. Hecht, Chief Justice



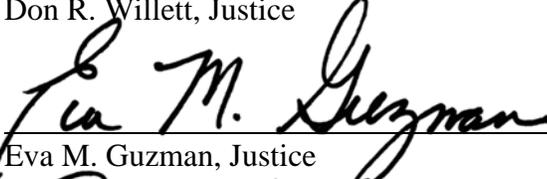
Paul W. Green, Justice



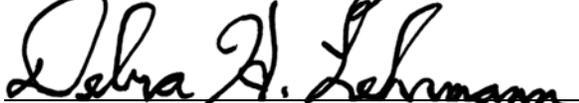
Phil Johnson, Justice



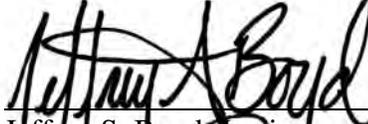
Don R. Willett, Justice



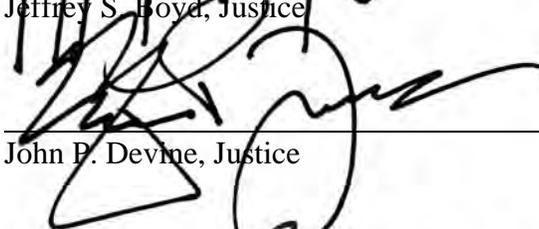
Eva M. Guzman, Justice



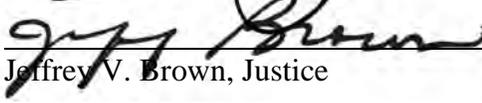
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

# Supreme Court of Texas Approved

## Will Form Instructions

It is always best to use an attorney. This Will Kit is not a substitute for legal advice. Wills are complicated. If you have a question about any part of the instructions or Will Form in this Will Kit, it is best to talk to a lawyer.

**This Will Kit contains** instructions for the Will Form, instructions for the Notary, and the Will Form. The Texas Supreme Court adopted four different Will Forms. Pick the one that fits your needs.

**If you want to give something to a person who gets government benefits, like Medicaid or food stamps (SNAP), get advice from an attorney before using any Court-Approved Will Forms. It could affect their benefits.**

These instructions will discuss:

- important information about your Will,
- filling out your Will,
- signing your Will,
- what to do after you finish your Will,
- where to get help, and
- helpful words to know.

### Important Information:

- Read everything in this Will Kit – the instructions, notary instructions, and Will – BEFORE filling out the forms. Keep these instructions handy and refer to them as needed.
- Once you have signed the Will, you **MUST** make a new Will if you want to change ANYTHING. Any changes made to the Will after you sign it are not valid.
- **You may need to make a NEW Will if your situation changes,** for example, divorce, marriage, death of a spouse or a child, etc.
- Your new Will does not change the current beneficiary of your pay on death and survivorship bank accounts, Transfer on Death Deeds, Vehicle Transfer on Death, insurance policies, or retirement accounts.
- You may want to ask the person you are choosing to be your Independent Executor if they are willing to serve as Independent Executor.

### Filling out the Will:

- Some of the words in the Will are not used in daily life but are in your Will for legal reasons. If you see a word you do not fully understand, read the “Helpful Words to Know” section of these instructions. If you still have questions, contact an attorney.
- Make sure you read these instructions and the specific instruction for the Will you decide to use before you fill out your Will.
- It is best to fill out the form online. If you do not fill it out online, use the same pen (blue or black ink) to complete the entire form.
- Type or print clearly in all blanks. If you do not need to fill in a blank or space, cross it out. This will prevent anyone, even you, from changing your Will after you have signed and dated it.
- Unless the form or instructions say differently, do not add or mark through any words in this Will. Some sections have no blanks to fill in. They are needed for legal reasons. Do not add or delete anything from these sections.
- You may fill the Will out ahead of time. But do not sign the Will until you and the witnesses are all in the same room with a Notary.

# Supreme Court of Texas Approved

## Will Form Instructions

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- Before filling out the Will, you need to get specific information together: full names (first, middle initial, & last) of people and proper names of any organization you want to put into your will; the make, model, and year of any cars; and the property description of any real property.
- Read over the Will when you have finished to make sure everything is correct and the way you want it.
- If you make a mistake while filling in the Will, rip it up, and start over with a new one.

### **Signing your Will is a legally significant ceremony. You must follow the steps below:**

- Once you have filled out the Will, you will need to get two witnesses and a Notary together with you for the signing ceremony.
- Do not use a beneficiary (someone receiving a gift in your Will) to witness your Will.
- Give the notary instructions to the Notary.
- In the signing ceremony, you, the witnesses, and the Notary will watch each other sign the Will, so no one should leave the room until everyone has signed. Do NOT sign the Will until you are with the Notary and witnesses in the same room. Do not sign more than one Will, even if you make copies. Sign in blue ink if possible.

### **What do you do after you finish your Will?**

- Staple it and DO NOT unstaple it.
- Make as many copies of your Will as you want after stapling the original. DO NOT take out the staples to copy.
- Keep your original signed Will in a safe place.
- You should tell the person you have chosen to be your Independent Executor that you have a Will and where the original Will is located. Whether you tell any of your beneficiaries is up to you.
- When you die, the original Will must be probated to have any effect. There is a 4-year deadline from the date of your death to probate the Will.

### **Need Help?**

- It is always best to hire a lawyer. Call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690 to get a referral to a lawyer or to a free Legal Aid program if you are unable to afford a lawyer.
- If your income is low, you may be able to talk to a lawyer online by live chat at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) or post a question online for a lawyer at <https://texas.freelegalanswers.org/>.
- For information on the probate process go to:
  - [www.TexasLawHelp.org](http://www.TexasLawHelp.org)
  - [www.tyla.org/tyla/index.cfm/projects/probate-passport/](http://www.tyla.org/tyla/index.cfm/projects/probate-passport/)

# Supreme Court of Texas Approved Will Form Instructions

## Helpful Words to Know

Term	What it means
Beneficiary	Anyone you choose to receive property or other items in your Will.
Community Property	All real and personal property acquired during the marriage, except for separate property, which is defined below.
Descendants	The descendants of a person are their children, their grandchildren, their great-grandchildren, and so on.
Estate	Your estate includes all the things you own at the time of your death. Examples are houses, buildings, land, vehicles, money in bank accounts, cash, jewelry, furniture, clothes, and other items in your home. <b>Important Note:</b> Your new Will does not change the current beneficiary of your pay on death and survivorship bank accounts, Transfer on Death Deeds, Vehicle Transfer on Death, or insurance and retirement accounts.
Execute	Execute means sign.
Guardian of the Person	A Guardian of the Person may be needed if you have a child who is under 18 years of age or an adult child who is incapacitated.
Homestead	A home that you own and use as your main residence. If you are married at the time of your death, your spouse will be allowed to stay in your homestead property until your spouse dies, even if you are giving your share of the home to someone other than your spouse.
Independent Executor	The person appointed by the Court who will be in charge of your estate once you die. The person you name has no authority to act as Independent Executor until appointed by the Court. The Independent Executor makes sure your wishes in the Will are followed to the best of their ability. The Independent Executor CAN be a beneficiary (someone receiving a gift in your Will). The Independent Executor is often a surviving spouse, adult child, sibling, or other trusted person.

# Supreme Court of Texas Approved

## Will Form Instructions

Married	<p>You are married in Texas if you and your partner are both living and have a valid marriage license or declaration of informal marriage from Texas, another state, or another country.</p> <p>You are married even if you are separated.</p> <p>You may also be married under common law if, at the time the marriage was created, you and your partner:</p> <ul style="list-style-type: none"> <li>• were not already married, informally or formally, to anyone else,</li> <li>• were at least 18 years of age,</li> <li>• agreed to be married,</li> <li>• lived in Texas as a married couple, and</li> <li>• told or “held yourselves out” to others that you are married.</li> </ul>
Notary	<p>A Notary is a person authorized by the state to swear that the people signing the Will are who they say they are. A Notary will sign and put a seal on your Will. There are separate Notary instructions in this packet.</p>
Personal Property	<p>Personal property includes, but is not limited to, cash and bank accounts, clothing, household furnishings, vehicles, and jewelry.</p>
Real Property	<p>Land and improvements, like a house or mobile home designated as real property. It also includes oil, gas, and other mineral rights.</p>
Separate Property	<p>Personal or real property owned before a marriage or received during marriage by gift or inheritance. It also includes damages awarded during marriage from a personal injury lawsuit, except for damages representing loss of earning capacity.</p>
Survives	<p>A person must be living 30 days after your death to take under this Will.</p>
Testator	<p>The person signing this Will is the Testator. If this is your Will, you are the Testator.</p>
Unmarried	<p>If you are single, widowed, or divorced, you are not married.</p> <p>If you do not have a valid marriage license or declaration of informal marriage or do not meet the requirements for a common law marriage, you are not married.</p> <p>If your spouse is no longer living, you are also not married for purposes of making a Will. You should use one of the “Single, Widowed, or Divorced” Will forms.</p>
Witnesses	<p>The two people who watch you sign your Will. They will sign their names to your Will when you are all in the same room with a Notary.</p> <p>Do not use a beneficiary (someone receiving a gift in your Will) to witness your Will.</p>

# WILL FORM

## For A Single, Widowed, or Divorced Person With Children

<b>This is the right Will Form if:</b>
<ul style="list-style-type: none"><li>• You are single,, widowed, or divorced <b>and</b></li><li>• You have one or more children, grandchildren, or people you intend to include in your will as children or grandchildren.</li></ul>
<b>If this is NOT the right Will Form</b> , there are three other Will Forms that may apply to you. Check the other three forms to see if they will work for you.

- *It is always best to use an attorney. This Will Kit is not a substitute for legal advice. Wills are complicated. If you have a question about any part of the instructions or the will in this Will Kit, it is best to talk to an attorney.*
- *Instructions in italics are for your information only. They are not a part of this Will. Read through the separate instructions and notary instructions with this Will Form before you begin filling out the Will.*
- *The person making this Will is called the Testator.*
- *It is best to fill out the form online. If you do not fill it out online, use the same pen to fill out the entire form.*
- *Type or print clearly in all blanks; or if you do not need to fill in a blank or space, cross it out. This will prevent anyone, even you, from changing your Will after you have signed and dated it.*
- *Unless the form or instructions say differently, do not add or mark through any words in this Will. Some sections have no blanks to fill in. They are needed for legal reasons. Do not add or delete anything from these sections.*
- *Someone receiving a gift in your Will should not sign your Will as a witness.*

***IMPORTANT: Any changes made to the Will after you sign it are not valid. If you want to change ANYTHING, rip the Will up, and start over with a new one.***

# WILL

## SECTION 1. IDENTIFICATION

Type or print clearly the full names of people in the correct blanks. If possible, list names as they appear on legal documents like a driver's license, state ID, birth certificate, or other official document. Listing these names in 1.2 and 1.3 identifies who will receive your property under Section 2.2 "Everything I Own."

1.1. My name is \_\_\_\_\_.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

I am sometimes also known as \_\_\_\_\_.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

This is my Will. I revoke and cancel any Wills I made before this one.

1.2. I am not married.

1.3. My children are listed in the two charts below. The term "my children" means the people named below as my children (living and deceased) and any children born to or adopted by me after this Will is made.

Even if a person listed below is not my biological or adopted child or grandchild, I intend for them to be included as one of "my children" or grandchildren.

1.3.A. The full names of my **living** children are:

*If you do not fill in a space, cross the space out.*

<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
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<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

**1.3.B.** If I have any children who have **died**, their names and the names of their children, if any, are:

*If you do not fill in a space, cross the space out.*

<b>Full name of my deceased child →</b>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr., Sr., Etc.)</i>
<b>Full names of all my grandchildren born to or adopted by this deceased child →</b> <i>If none, write none</i>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

<b>Full name of my deceased child →</b>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<b>Full names of all my grandchildren born to or adopted by this deceased child →</b> <i>If none, write none</i>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

<b>Full name of my deceased child →</b>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<b>Full names of all my grandchildren born to or adopted by this deceased child →</b> <i>If none, write none</i>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

<b>Full name of my deceased child →</b>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<b>Full names of all my grandchildren born to or adopted by this deceased child →</b> <i>If none, write none</i>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

**SECTION 2. GIVING MY PROPERTY**

**2.1. Everything I Own, Except for Specific Gifts**

<p><b>Choice #1</b></p> <p><i>All to the surviving children, except for any specific gifts</i></p>	<p>I give everything I own, except for any specific gifts, to my children who survive me.</p> <p>Gifts to my children, except for specific gifts, will be divided into shares as follows:</p> <ol style="list-style-type: none"> <li>1. One share will be created for each child of mine who survives me, plus</li> <li>2. One share will be created for each child of mine who has not survived me but who has descendants who survive me.</li> </ol> <p>Each surviving child will take one share and the share of each deceased child will be divided among that deceased child's children.</p> <p align="right">_____</p> <p align="right"><i>Testator: If you choose this option, sign here</i></p>
<p><b>Choice #2</b></p> <p><i>To people named here</i></p>	<p>I give everything I own, except for any specific gifts, in equal shares to the following person(s) listed below:</p> <p><i>Write the first and last names and middle initial of the person(s).</i></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p align="right">_____</p> <p align="right"><i>Testator: If you choose this option, sign here</i></p>

\_\_\_\_\_  
**Testator: Sign Your Name Here**

## 2.2. Specific Gifts

This section is optional. You can choose to fill in all, some, or none of the three sections listed here. The previous section, Section 2.1 "Everything I Own", will apply to any property not listed here in Section 2.2. If you do not fill in a space, cross the space out. The three sections are:

<p><b>Section 2.2.A</b> Giving My Home</p>	<p>Use this section to give a specific person or persons your interest in your home. It does not include the items inside the home.</p>
<p><b>Section 2.2.B.</b> Giving My Personal and Household Items</p>	<p>Use this section to give away your interest in <u>all</u> the items inside your home. This includes household goods, furniture, tools, clothes, and other items. You can use both this section and Section 2.2.C. if you want to give someone a particular item but still give the bulk of your personal and household items to another person.</p>
<p><b>Section 2.2.C.</b> Giving Specific Items or Property</p>	<p>Use this section to give a person a specific item. Examples include vehicles, boats, jewelry, valuables, <u>particular</u> items in your home, real estate other than your home, or other items.</p>

### 2.2.A. Giving My Home

Complete this section **only if** you want to give your interest in your home to one or more specific persons. If you do not complete this section, your home will go to whom you named in Section 2.1 "Everything I Own."

*This section is for your home only, not your personal and household items. You can give your personal and household items in the next section, Section 2.2.B "Giving My Personal and Household Items."*

*If you do not fill in a space, cross the space out.*

<p>I give my interest in my home, subject to mortgages and liens, in equal shares to the following person or persons who survive me. If none of these people survives me, my interest in my home will pass under Section 2.2 "Everything I Own."</p>			
First	Middle Initial	Last	Suffix (Jr. Sr., etc.)
First	Middle Initial	Last	Suffix
First	Middle Initial	Last	Suffix
First	Middle Initial	Last	Suffix
First	Middle Initial	Last	Suffix
First	Middle Initial	Last	Suffix

**2.2.B. Giving My Personal and Household Items**

Complete this section if you want to give all your interest in your personal and household items to one or more people you name to be divided among them. You may also give a specific item to a specific person by using the next section, 2.2.C. "Giving Specific Items or Property."

Section 2.1 "Everything I Own" will apply to any items you do not give under this section or Section 2.2.C. "Giving Specific Items or Property."

If you do not fill in a space, cross the space out.

**"Personal and household items"** means all household goods, furniture, furnishings, tools, garden equipment, china, silver, works of art, jewelry, clothing, personal effects, and any other similar items of personal property.

<p>Except for any specific gifts I make in Section 2.3.C "Giving Specific Items or Property," I give all of my interest in my personal and household items in equal shares to the following person or persons who survive me. If none of these people survives me, my interest in these items will pass under Section 2.2 "Everything I Own." My interest in these items shall be divided among them as they agree. If they cannot agree, the Executor will decide.</p>			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

---

**Testator: Sign Your Name Here**

**2.2.C. Giving Specific Items or Property**

Complete this section if you want to give someone your interest in a specific item or property. Examples include vehicles or boats, particular items in your home, jewelry, valuables, real estate other than your home, or other items.

If you do not fill in a space, cross the space out.

I give my interest in each item listed below to the person named next to the item if that person survives me.

<p align="center"><b><u>Item(s) to be given:</u></b></p> <p align="center"><i>Please describe in detail</i></p>	<p align="center"><b><u>Full name of person getting item(s):</u></b></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix (Jr. Sr., etc.)</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>

---

**Testator: Sign Your Name Here**

### SECTION 3. INDEPENDENT EXECUTOR

*In this section you choose the person you want to be in charge of your estate after you die. This person must be 18 years old or over and cannot be a convicted felon.*

*Your choice of Independent Executor must be approved by the Court before he or she can act as Independent Executor. After appointment, the Court generally does not supervise the Independent Executor.*

*If you use this Will form, you can only have one Independent Executor in charge at a time. It is best to name a second and third choice in case someone you name cannot serve as Independent Executor.*

- 3.1.** I name the following persons in the order listed to be appointed as sole Independent Executor of my Will and estate. If a person does not serve or stops serving for any reason, then I name the next listed person.

*If you do not fill in a space, cross the space out.*

1. Name of First Choice for Independent Executor			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>

2. Name of Second Choice for Independent Executor			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>

3. Name of Third Choice for Independent Executor			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>

- 3.2.** My Independent Executor is not required to post a bond in any jurisdiction.
- 3.3.** Once appointed by the Court, the Independent Executor shall administer and distribute the estate as required by law. The power to administer the estate includes the power to sell real and personal property. The Independent Executor can act without the consent of my beneficiaries.
- 3.4.** No action shall be had in the Probate Court in relation to the settlement of my estate other than the probating and recording of this Will, notice to beneficiaries as required by the Texas Estates Code, and the return of any required inventory, appraisalment, and list of claims owed to my estate.

### SECTION 4. CUSTODIAN FOR PERSONS UNDER AGE 21 WHO RECEIVE GIFTS UNDER THIS WILL.

- 4.1.** Any gift to a person under 21 may instead be delivered to a Custodian for that person under the Uniform Transfers to Minor Act of Texas or any other state.
- 4.2.** My Executor may name a Custodian for any beneficiary under age 21.
- 4.3.** My Executor may consider appointing a beneficiary's surviving parent as Custodian but is not required to do so.
- 4.4.** My Executor may name different Custodians for different beneficiaries.
- 4.5.** My Executor may also serve as Custodian.

## SECTION 5. GUARDIAN OF THE PERSON OF A MINOR CHILD OR INCAPACITATED ADULT CHILD

Complete this section if you would like to suggest a Guardian for the Person of your child who is under 18 years old or your adult child who is incapacitated. The Court will have to approve your choice.

If you use this Will form, you can only have one Guardian at a time. It is best to name a second and third choice in case someone you name cannot serve as Guardian.

I name the following persons in the order listed to be appointed as Guardian of the Person of any child who needs a Guardian. If a person does not serve or stops serving for any reason, then I name the next listed person.

1. Name of First Choice for Guardian of the Person

*First*

*Middle Initial*

*Last*

*Suffix (Jr. Sr., etc.)*

2. Name of Second Choice for Guardian of the Person

*First*

*Middle Initial*

*Last*

*Suffix (Jr. Sr., etc.)*

3. Name of Third Choice for Guardian of the Person

*First*

*Middle Initial*

*Last*

*Suffix (Jr. Sr., etc.)*

## SECTION 6. TEXAS LAW APPLIES AND SURVIVORSHIP

- 6.1. Texas law shall apply to all matters related to this Will.
- 6.2. No person shall be considered to have survived me unless that person is living 30 days after my death.

**SECTION 7. EXECUTION, ATTESTATION, AND SELF-PROOF OF WILL**

*DO NOT sign UNTIL the Testator, Witnesses, & Notary are all in the same room.  
DO NOT LEAVE until everyone has signed.*

Before me, the undersigned authority, on this day personally appeared the following:

**Print  
Names  
Here**

\_\_\_\_\_, the Testator.  
*First Middle Initial Last Suffix (Jr. Sr., etc.) The Testator is the person making this Will*

\_\_\_\_\_, the first witness.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

\_\_\_\_\_, the second witness.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

1. I, as the Testator, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority:
  - a. This instrument is my Will.
  - b. I willingly make and execute this Will as my free act and deed.
  - c. I execute this Will in the presence of the undersigned witnesses, all of whom are present at the same time.
  - d. I request each of the undersigned witnesses to sign this Will in my presence and in the presence of each other.
  - e. I now sign this Will in the presence of the attesting witnesses and the undersigned authority on  
 \_\_\_/\_\_\_/\_\_\_.  
 Month/ Day/ Year

\_\_\_\_\_  
**Testator: Sign your name here**

2. The undersigned witnesses, after being duly sworn, declare to the testator and to the undersigned authority:
  - a. The testator declared to us that this instrument is the testator's Will.
  - b. The testator requested us to act as witnesses to the testator's Will and signature.
  - c. The testator then signed this Will in our presence, all of us being present at the same time.
  - d. The testator is 18 years of age or over (or being under such age, is or has been lawfully married, or is a member of the armed forces of the United States or of an auxiliary of the armed forces of the United States or of the United States Maritime Service).
  - e. We believe the testator to be of sound mind.
  - f. We are each at least 14 years of age.
  - g. We now sign our names as attesting witnesses in the presence of the testator, each other, and the undersigned authority on \_\_\_/\_\_\_/\_\_\_.  
 Month/Day/Year

\_\_\_\_\_  
**First witness signs here**

\_\_\_\_\_  
**Second witness signs here**

Subscribed and sworn to before me  
by the Testator and the Witnesses,  
on \_\_\_/\_\_\_/\_\_\_.

\_\_\_\_\_  
**Notary Public, State of Texas**  
(Seal)

End of Will

# WILL FORM

## For A Married Person With Children

**This is the right Will Form if:**

- You are currently married (formally or common law) **and**
- Your spouse is alive **and**
- You have one or more children, grandchildren, or people you intend to include in your will as children or grandchildren.

**If this is NOT the right Will Form**, there are three other Will Forms that may apply to you. Check the other three forms to see if they will work for you.

- *It is always best to use an attorney. This Will Kit is not a substitute for legal advice. Wills are complicated. If you have a question about any part of the instructions or the will in this Will Kit, it is best to talk to an attorney.*
- *Instructions in italics are for your information only. They are not a part of this Will. Read through the separate instructions and notary instructions with this Will Form before you begin filling out the Will.*
- *The person making this Will is called the Testator.*
- *It is best to fill out the form online. If you do not fill it out online, use the same pen to fill out the entire form.*
- *Type or print clearly in all blanks; or if you do not need to fill in a blank or space, cross it out. This will prevent anyone, even you, from changing your Will after you have signed and dated it.*
- *Unless the form or instructions say differently, do not add or mark through any words in this Will. Some sections have no blanks to fill in. They are needed for legal reasons. Do not add or delete anything from these sections.*
- *Someone receiving a gift in your Will should not sign your Will as a witness.*

***IMPORTANT: Any changes made to the Will after you sign it are not valid. If you want to change ANYTHING, rip the Will up, and start over with a new one.***

# WILL

## SECTION 1. IDENTIFICATION

Type or print clearly the full names of people in the correct blanks. If possible, list names as they appear on legal documents like a driver's license, state ID, birth certificate, or other official document. Listing these names in 1.2 and 1.3 identifies who will receive your property under Section 2.2 "Everything I Own."

1.1. My name is \_\_\_\_\_.

*First Middle Initial Last Suffix (Jr. Sr., etc.)*

I am sometimes also known as \_\_\_\_\_.

*First Middle Initial Last Suffix (Jr. Sr., etc.)*

This is my Will. I revoke and cancel any Wills I made before this one.

1.2. I am married to \_\_\_\_\_, who is now living.

*First Middle Initial Last Suffix (Jr. Sr., etc.)*

This person will be referred to as "my spouse" in this Will.

1.3. My children are listed in the two charts below. The term "my children" means the people named below as my children (living and deceased) and any children born to or adopted by me after this Will is made.

Even if a person listed below is not my biological or adopted child or grandchild, I intend for them to be included as one of "my children" or grandchildren.

1.3.A. The full names of my **living** children are:

*If you do not fill in a space, cross the space out.*

<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

**1.3.B.** If I have any children who have **died**, their names and the names of their children, if any, are:

*If you do not fill in a space, cross the space out.*

<b>Full name of my deceased child →</b>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr., Sr., Etc.)</i>
<b>Full names of all my grandchildren born to or adopted by this deceased child →</b> <i>If none, write none</i>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

<b>Full name of my deceased child →</b>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<b>Full names of all my grandchildren born to or adopted by this deceased child →</b> <i>If none, write none</i>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

<b>Full name of my deceased child →</b>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<b>Full names of all my grandchildren born to or adopted by this deceased child →</b> <i>If none, write none</i>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

<b>Full name of my deceased child →</b>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<b>Full names of all my grandchildren born to or adopted by this deceased child →</b> <i>If none, write none</i>	<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>



### 2.3. Specific Gifts

This section is optional. You can choose to fill in all, some, or none of the three sections listed here. The previous section, Section 2.2 "Everything I Own", will apply to any property not listed here in Section 2.3. If you do not fill in a space, cross the space out. The three sections are:

<b>Section 2.3.A</b> Giving My Home	Use this section to give a specific person or persons your interest in your home. It does not include the items inside the home.
<b>Section 2.3.B.</b> Giving My Personal and Household Items	Use this section to give away your interest in <u>all</u> the items inside your home. This includes household goods, furniture, tools, clothes, and other items. You can use both this section and Section 2.3.C. if you want to give someone a particular item but still give the bulk of your personal and household items to another person.
<b>Section 2.3.C.</b> Giving Specific Items or Property	Complete this section if you want to give someone your interest in a specific item or property. Examples include vehicles, boats, jewelry, valuables, <u>particular</u> items in your home, real estate other than your home, or other items.

#### 2.3.A. Giving My Home

Complete this section **only if** you want to give your interest in your home to one or more specific persons. If you do not complete this section, your home will go to whom you named in Section 2.2 "Everything I Own."

This section is for your home only, not your personal and household items. You can give your personal and household items in the next section, Section 2.3.B "Giving My Personal and Household Items."

If you do not fill in a space, cross the space out.

I give my interest in my home, subject to mortgages and liens, in equal shares to the following person or persons who survive me. If none of these people survives me, my interest in my home will pass under Section 2.2 "Everything I Own."			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

**2.3.B. Giving My Personal and Household Items**

Complete this section if you want to give all your interest in your personal and household items to one or more people you name to be divided among them. You may also give a specific item to a specific person by using the next section, 2.3.C. "Giving Specific Items or Property."

Section 2.2 "Everything I Own" will apply to any items you do not give under this section or Section 2.3.C. "Giving Specific Items or Property."

If you do not fill in a space, cross the space out.

**"Personal and household items"** means all household goods, furniture, furnishings, tools, garden equipment, china, silver, works of art, jewelry, clothing, personal effects, and any other similar items of personal property.

<p>Except for any specific gifts I make in Section 2.3.C "Giving Specific Items or Property," I give all of my interest in my personal and household items in equal shares to the following person or persons who survive me. If none of these people survives me, my interest in these items will pass under Section 2.2 "Everything I Own." My interest in these items shall be divided among them as they agree. If they cannot agree, the Executor will decide.</p>			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

---

**Testator: Sign Your Name Here**

**2.3.C. Giving Specific Items or Property**

Complete this section if you want to give someone your interest in a specific item or property. Examples include vehicles or boats, particular items in your home, jewelry, valuables, real estate other than your home, or other items.

If you do not fill in a space, cross the space out.

I give my interest in each item listed below to the person named next to the item if that person survives me.

<p align="center"><b><u>Item(s) to be given:</u></b></p> <p align="center"><i>Please describe in detail</i></p>	<p align="center"><b><u>Full name of person getting item(s):</u></b></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix (Jr. Sr., etc.)</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>
	<p align="center"><i>First      Middle Initial      Last      Suffix</i></p>

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**Testator: Sign Your Name Here**

### SECTION 3. INDEPENDENT EXECUTOR

*In this section you choose the person you want to be in charge of your estate after you die. This person must be 18 years old or over and cannot be a convicted felon.*

*Your choice of Independent Executor must be approved by the Court before he or she can act as Independent Executor. After appointment, the Court generally does not supervise the Independent Executor.*

*If you use this Will form, you can only have one Independent Executor in charge at a time. It is best to name a second and third choice in case someone you name cannot serve as Independent Executor.*

- 3.1.** I name the following persons in the order listed to be appointed as sole Independent Executor of my Will and estate. If a person does not serve or stops serving for any reason, then I name the next listed person.

*If you do not fill in a space, cross the space out.*

1. Name of First Choice for Independent Executor			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>
2. Name of Second Choice for Independent Executor			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>
3. Name of Third Choice			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>

- 3.2.** My Independent Executor is not required to post a bond in any jurisdiction.
- 3.3.** Once appointed by the Court, the Independent Executor shall administer and distribute the estate as required by law. The power to administer the estate includes the power to sell real and personal property. The Independent Executor can act without the consent of my beneficiaries.
- 3.4.** No action shall be had in the Probate Court in relation to the settlement of my estate other than the probating and recording of this Will, notice to beneficiaries as required by the Texas Estates Code, and the return of any required inventory, appraisalment, and list of claims owed to my estate.

### SECTION 4. CUSTODIAN FOR PERSONS UNDER AGE 21 WHO RECEIVE GIFTS UNDER THIS WILL.

- 4.1.** Any gift to a person under 21 may instead be delivered to a Custodian for that person under the Uniform Transfers to Minor Act of Texas or any other state.
- 4.2.** My Executor may name a Custodian for any beneficiary under age 21.
- 4.3.** My Executor may consider appointing a beneficiary's surviving parent as Custodian but is not required to do so.
- 4.4.** My Executor may name different Custodians for different beneficiaries.
- 4.5.** My Executor may also serve as Custodian.

## SECTION 5. GUARDIAN OF THE PERSON OF A MINOR CHILD OR INCAPACITATED ADULT CHILD

Complete this section if you would like to suggest a Guardian for the Person of your child who is under 18 years old or your adult child who is incapacitated. The Court will have to approve your choice.

If you use this Will form, you can only have one Guardian at a time. It is best to name a second and third choice in case someone you name cannot serve as Guardian.

I name the following persons in the order listed to be appointed as Guardian of the Person of any child who needs a Guardian. If a person does not serve or stops serving for any reason, then I name the next listed person.

If you do not fill in a space, cross the space out.

### 1. Name of First Choice for Guardian of the Person

*First*

*Middle Initial*

*Last*

*Suffix (Jr. Sr., etc.)*

### 2. Name of Second Choice for Guardian of the Person

*First*

*Middle Initial*

*Last*

*Suffix (Jr. Sr., etc.)*

### 3. Name of Third Choice for Guardian of the Person

*First*

*Middle Initial*

*Last*

*Suffix (Jr. Sr., etc.)*

## SECTION 6. TEXAS LAW APPLIES AND SURVIVORSHIP

- 6.1.** Texas law shall apply to all matters related to this Will.
- 6.2.** No person shall be considered to have survived me unless that person is living 30 days after my death.
- 6.3.** My spouse and I have no contract or agreement regarding this Will. I may change this Will at any time without notice to my spouse.

**SECTION 7. EXECUTION, ATTESTATION, AND SELF-PROOF OF WILL**

*DO NOT sign UNTIL the Testator, Witnesses, & Notary are all in the same room.  
DO NOT LEAVE until everyone has signed.*

Before me, the undersigned authority, on this day personally appeared the following:

**Print  
Names  
Here**

\_\_\_\_\_, the Testator.  
*First Middle Initial Last Suffix (Jr. Sr., etc.) The Testator is the person making this Will*

\_\_\_\_\_, the first witness.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

\_\_\_\_\_, the second witness.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

1. I, as the Testator, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority:
  - a. This instrument is my Will.
  - b. I willingly make and execute this Will as my free act and deed.
  - c. I execute this Will in the presence of the undersigned witnesses, all of whom are present at the same time.
  - d. I request each of the undersigned witnesses to sign this Will in my presence and in the presence of each other.
  - e. I now sign this Will in the presence of the attesting witnesses and the undersigned authority on  
 \_\_\_/\_\_\_/\_\_\_.  
 Month/ Day/ Year

\_\_\_\_\_  
**Testator: Sign your name here**

2. The undersigned witnesses, after being duly sworn, declare to the testator and to the undersigned authority:
  - a. The testator declared to us that this instrument is the testator's Will.
  - b. The testator requested us to act as witnesses to the testator's Will and signature.
  - c. The testator then signed this Will in our presence, all of us being present at the same time.
  - d. The testator is 18 years of age or over (or being under such age, is or has been lawfully married, or is a member of the armed forces of the United States or of an auxiliary of the armed forces of the United States or of the United States Maritime Service).
  - e. We believe the testator to be of sound mind.
  - f. We are each at least 14 years of age.
  - g. We now sign our names as attesting witnesses in the presence of the testator, each other, and the undersigned authority on \_\_\_/\_\_\_/\_\_\_.  
 Month/Day/Year

\_\_\_\_\_  
**First witness signs here**

\_\_\_\_\_  
**Second witness signs here**

Subscribed and sworn to before me  
by the Testator and the Witnesses,  
on \_\_\_/\_\_\_/\_\_\_.

\_\_\_\_\_  
**Notary Public, State of Texas**  
(Seal)

End of Will

# WILL FORM

## For A Single, Widowed, or Divorced Person with No Children

<b>This is the right Will Form if:</b>
<ul style="list-style-type: none"><li>• You are single, widowed, or divorced <b>and</b></li><li>• You have NO children, grandchildren, or people you intend to include in your will as children or grandchildren.</li></ul>
<b>If this is NOT the right Will Form</b> , there are three other Will Forms that may apply to you. Check the other three forms to see if they will work for you.

- *It is always best to use an attorney. This Will Kit is not a substitute for legal advice. Wills are complicated. If you have a question about any part of the instructions or the Will in this Will Kit, it is best to talk to an attorney.*
- *Instructions in italics are for your information only. They are not a part of this Will. Read through the separate instructions and notary instructions with this Will Form before you begin filling out the Will.*
- *The person making this Will is called the Testator.*
- *It is best to fill out the form online. If you do not fill it out online, use the same pen to fill out the entire form.*
- *Type or print clearly in all blanks; or if you do not need to fill in a blank or space, cross it out. This will prevent anyone, even you, from changing your Will after you have signed and dated it.*
- *Unless the form or instructions say differently, do not add or mark through any words in this Will. Some sections have no blanks to fill in. They are needed for legal reasons. Do not add or delete anything from these sections.*
- *Someone receiving a gift in your Will should not sign your Will as a witness.*

***IMPORTANT: Any changes made to the Will after you sign it are not valid. If you want to change ANYTHING, rip the Will up, and start over with a new one.***

# WILL

## SECTION 1. IDENTIFICATION

Type or print clearly the full names of people in the correct blanks. If possible, list names as they appear on legal documents like a driver's license, state ID, birth certificate, or other official document. Listing these names in 1.2 and 1.3 identifies whom will receive your property under Section 2.2 "Everything I Own."

1.1. My name is \_\_\_\_\_.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

I am sometimes also known as \_\_\_\_\_.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

This is my Will. I revoke and cancel any Wills I made before this one.

1.2. I am not married.

1.3. I have no children.

## SECTION 2. GIVING MY PROPERTY

### 2.1. Everything I Own, Except for Specific Gifts

You **MUST** fill in this box to ensure any remaining property is given to someone.

If you do not fill in a space, cross the space out.

Except for any specific gifts I make in Section 2.2 "Specific Gifts," I give everything I own in equal shares to the person(s) whom survive me and/or the organization(s) that exists at the time of my death as indicated below.

*Please write the full name of the person(s) (First, Middle Initial, Last, Suffix)*

*or organization(s) (full name and location).*


### 2.2. Specific Gifts

\_\_\_\_\_  
**Testator: Sign Your Name Here**

This section is optional. You can choose to fill in all, some, or none of the three sections listed here. The previous section, Section 2.1 "Everything I Own", will apply to any property not listed here in Section 2.2. If you do not fill in a space, cross the space out. The three sections are:

<b>Section 2.2.A</b> Giving My Home	Use this section to give a specific person or persons your interest in your home. It does not include the items inside the home.
<b>Section 2.2.B.</b> Giving My Personal and Household Items	Use this section to give away your interest in <u>all</u> the items inside your home. This includes household goods, furniture, tools, clothes, and other items. You can use both this section and Section 2.2.C. if you want to give someone a particular item but still give the bulk of your personal and household items to another person.
<b>Section 2.2.C.</b> Giving Specific Items or Property	Use this section to give a person a specific item. Examples include vehicles, boats, jewelry, valuables, <u>particular</u> items in your home, real estate other than your home, or other items.

**2.2.A. Giving My Home**

Complete this section only if you want to give your interest in your home to one or more specific persons. If you do not complete this section, your home will go to whom you named in Section 2.1 "Everything I Own."

This section is for your home only, not your personal and household items. You can give your personal and household items in the next section, Section 2.2.B "Giving My Personal and Household Items."

If you do not fill in a space, cross the space out.

I give my interest in my home, subject to mortgages and liens, in equal shares to the following person or persons whom survive me. If none of these people survives me, my interest in my home will pass under Section 2.1 "Everything I Own."			
First	Middle Initial	Last	Suffix (Jr. Sr., etc.)
First	Middle Initial	Last	Suffix
First	Middle Initial	Last	Suffix
First	Middle Initial	Last	Suffix
First	Middle Initial	Last	Suffix
First	Middle Initial	Last	Suffix
First	Middle Initial	Last	Suffix

**2.2.B. Giving My Personal and Household Items**

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**Testator: Sign Your Name Here**

Complete this section if you want to give all your interest in your personal and household items to one or more people you name to be divided among them.

You may also give a specific item to a specific person by using the next section, 2.2.C. "Giving Specific Items or Property."

Section 2.1 "Everything I Own" will apply to any items you do not give under this section or Section 2.2.C. "Giving Specific Items or Property." If you do not fill in a space, cross the space out.

**"Personal and household items"** means all household goods, furniture, furnishings, tools, garden equipment, china, silver, works of art, jewelry, clothing, personal effects, and any other similar items of personal property.

If you do not fill in a space, cross the space out.

Except for any specific gifts I make in Section 2.2.C "Giving Specific Items or Property," I give all of my interest in my personal and household items in equal shares to the following person or persons whom survive me. If none of these people survives me, my interest in these items will pass under Section 2.1 "Everything I Own." My interest in these items shall be divided among them as they agree. If they cannot agree, the Executor will decide.			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

**2.3.C. Giving Specific Items or Property**

---

**Testator: Sign Your Name Here**

Complete this section if you want to give someone your interest in a specific item or property. Examples include vehicles, boats, jewelry, valuables, particular items in your home, real estate other than your home, or other items.

If you do not fill in a space, cross the space out.

I give my interest in each item listed below to the person named next to the item if that person survives me.

<b><u>Item(s) to be given:</u></b> <i>Please describe in detail</i>	<b><u>Full name of person getting item(s):</u></b>
	<i>First      Middle Initial      Last      Suffix (Jr. Sr., etc.)</i>
	<i>First      Middle Initial      Last      Suffix</i>

### SECTION 3. INDEPENDENT EXECUTOR

\_\_\_\_\_  
**Testator: Sign Your Name Here**

*In this section you choose the person you want to be in charge of your estate after you die. This person must be 18 years old or over and cannot be a convicted felon.*

*Your choice of Independent Executor must be approved by the Court before he or she can act as Independent Executor. After appointment, the Court generally does not supervise the Independent Executor.*

*If you use this Will form, you can only have one Independent Executor in charge at a time. It is best to name a second and third choice in case someone you name cannot serve as Independent Executor.*

- 3.1.** I name the following persons in the order listed to be appointed as sole Independent Executor of my Will and estate. If a person does not serve or stops serving for any reason, then I name the next listed person.

*If you do not fill in a space, cross the space out.*

<b>1. Name of First Choice for Independent Executor</b>			
_____	_____	_____	_____
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>

<b>2. Name of Second Choice for Independent Executor</b>			
_____	_____	_____	_____
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>

<b>3. Name of Third Choice for Independent Executor</b>			
_____	_____	_____	_____
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>

- 3.2.** My Independent Executor is not required to post a bond in any jurisdiction.
- 3.3.** Once appointed by the Court, the Independent Executor shall administer and distribute the estate as required by law. The power to administer the estate includes the power to sell real and personal property. The Independent Executor can act without the consent of my beneficiaries.
- 3.4.** No action shall be had in the Probate Court in relation to the settlement of my estate other than the probating and recording of this Will, notice to beneficiaries as required by the Texas Estates Code, and the return of any required inventory, appraisalment, and list of claims owed to my estate.

---

**Testator: Sign Your Name Here**

**SECTION 4. CUSTODIAN FOR PERSONS UNDER AGE 21  
WHOM RECEIVE GIFTS UNDER THIS WILL.**

- 4.1. Any gift to a person under 21 may instead be delivered to a Custodian for that person under the Uniform Transfers to Minor Act of Texas or any other state.
- 4.2. My Executor may name a Custodian for any beneficiary under age 21.
- 4.3. My Executor may consider appointing a beneficiary's surviving parent as Custodian but is not required to do so.
- 4.4. My Executor may name different Custodians for different beneficiaries.
- 4.5. My Executor may also serve as Custodian.

**SECTION 5. TEXAS LAW APPLIES AND SURVIVORSHIP**

- 5.1. Texas law shall apply to all matters related to this Will.
- 5.2. No person shall be considered to have survived me unless that person is living 30 days after my death.

---

**Testator: Sign Your Name Here**

**SECTION 6. EXECUTION, ATTESTATION, AND SELF-PROOF OF WILL**

*DO NOT sign UNTIL the Testator, Witnesses, & Notary are all in the same room.  
DO NOT LEAVE until everyone has signed.*

Before me, the undersigned authority, on this day personally appeared the following:

*Print  
Names  
Here*

\_\_\_\_\_, the Testator.  
*First Middle Initial Last Suffix (Jr. Sr., etc.) The Testator is the person making this Will*

\_\_\_\_\_, the first witness.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

\_\_\_\_\_, the second witness.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

1. I, as the Testator, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority:
  - a. This instrument is my Will.
  - b. I willingly make and execute this Will as my free act and deed.
  - c. I execute this Will in the presence of the undersigned witnesses, all of whom are present at the same time.
  - d. I request each of the undersigned witnesses to sign this Will in my presence and in the presence of each other.
  - e. I now sign this Will in the presence of the attesting witnesses and the undersigned authority on  
 \_\_\_/\_\_\_/\_\_\_.  
 Month/ Day/ Year

\_\_\_\_\_  
***Testator: Sign your name here***

2. The undersigned witnesses, after being duly sworn, declare to the testator and to the undersigned authority:
  - a. The testator declared to us that this instrument is the testator's Will.
  - b. The testator requested us to act as witnesses to the testator's Will and signature.
  - c. The testator then signed this Will in our presence, all of us being present at the same time.
  - d. The testator is 18 years of age or over (or being under such age, is or has been lawfully married, or is a member of the armed forces of the United States or of an auxiliary of the armed forces of the United States or of the United States Maritime Service).
  - e. We believe the testator to be of sound mind.
  - f. We are each at least 14 years of age.
  - g. We now sign our names as attesting witnesses in the presence of the testator, each other, and the undersigned authority on \_\_\_/\_\_\_/\_\_\_.  
 Month/Day/Year

\_\_\_\_\_  
***First witness signs here***

\_\_\_\_\_  
***Second witness signs here***

Subscribed and sworn to before me  
by the Testator and the Witnesses,  
on \_\_\_/\_\_\_/\_\_\_.

\_\_\_\_\_  
***Notary Public, State of Texas***  
(Seal)

End of Will

# WILL FORM

## For A Married Person with No Children

**This is the right Will Form if:**

- You are currently married (formally or common law) **and**
- Your spouse is alive **and**
- You have NO children, grandchildren, or people you intend to include in your will as children or grandchildren.

**If this is NOT the right Will Form**, there are three other Will Forms that may apply to you. Check the other three forms to see if they will work for you.

- *It is always best to use an attorney. This Will Kit is not a substitute for legal advice. Wills are complicated. If you have a question about any part of the instructions or the will in this Will Kit, it is best to talk to an attorney.*
- *Instructions in italics are for your information only. They are not a part of this Will. Read through the separate instructions and notary instructions with this Will Form before you begin filling out the Will.*
- *The person making this Will is called the Testator.*
- *It is best to fill out the form online. If you do not fill it out online, use the same pen to fill out the entire form.*
- *Type or print clearly in all blanks; or if you do not need to fill in a blank or space, cross it out. This will prevent anyone, even you, from changing your Will after you have signed and dated it.*
- *Unless the form or instructions say differently, do not add or mark through any words in this Will. Some sections have no blanks to fill in. They are needed for legal reasons. Do not add or delete anything from these sections.*
- *Someone receiving a gift in your Will should not sign your Will as a witness.*

***IMPORTANT: Any changes made to the Will after you sign it are not valid. If you want to change ANYTHING, rip the Will up, and start over with a new one.***

# WILL

## SECTION 1. IDENTIFICATION

Type or print clearly the full names of people in the correct blanks. If possible, list names as they appear on legal documents like a driver's license, state ID, birth certificate, or other official document. Listing your spouse in 1.2 identifies who will receive your property under Section 2.2 "Everything I Own."

1.1. My name is \_\_\_\_\_.

First Middle Initial Last Suffix (Jr. Sr., etc.)

I am sometimes also known as \_\_\_\_\_.

First Middle Initial Last Suffix (Jr. Sr., etc.)

This is my Will. I revoke and cancel any Wills I made before this one.

1.2. I am married to \_\_\_\_\_, who is now living.

First Middle Initial Last Suffix (Jr. Sr., etc.)

This person will be referred to as "my spouse" in this Will.

1.3. I have no children.

## SECTION 2. GIVING MY PROPERTY

2.1 In this Will, I intend to give away my separate property and only my half of community property.

*Note:* You can only give away your separate property and your half of community property.

2.2. **Everything I Own, Except for Specific Gifts**

You have two choices under this section: Choice #1 – leave your property to your spouse or Choice #2 – leave your property to person(s) and/or organization(s) other than your spouse. Filling out either choice does not stop you from giving specific items to certain people you name. You will do this in Section 2.3 "Specific Gifts."

Complete and sign **only one** choice. Cross out the other one.

**If I sign both or neither choice and my spouse survives me, then everything I own, except for any specific gifts, passes under Choice #1.**

<b>Choice #1</b> <i>All to the surviving spouse, except for any specific gifts</i>	I give everything I own to my spouse, if my spouse survives me, except for any specific gifts. If my spouse does not survive me, I give everything I own to the following persons who survive me and/or organizations, except for any specific gifts.  _____  <i>Testator: If you choose this option, sign here</i>
<b>Choice #2</b> <i>Nothing to surviving spouse, except for any specific gifts</i>	<b>EVEN IF</b> my spouse survives me, I give everything I own, except for any specific gifts, in equal shares to the following person(s) and/or organization(s) listed below: <i>Write the first &amp; last names and middle initial of the person(s) and/or full name &amp; location of organization(s).</i>  _____  _____  _____  <i>Testator: If you choose this option, sign here</i>

### 2.3. Specific Gifts

This section is optional. You can choose to fill in all, some, or none of the three sections listed here. The previous section, Section 2.2 "Everything I Own", will apply to any property not listed here in Section 2.3. If you do not fill in a space, cross the space out. The three sections are:

<p><b>Section 2.3.A</b> Giving My Home</p>	<p>Use this section to give a specific person or persons your interest in your home. It does not include the items inside the home.</p>
<p><b>Section 2.3.B.</b> Giving My Personal and Household Items</p>	<p>Use this section to give away your interest in <u>all</u> the items inside your home. This includes household goods, furniture, tools, clothes, and other items. You can use both this section and Section 2.3.C. if you want to give someone a particular item but still give the bulk of your personal and household items to another person.</p>
<p><b>Section 2.3.C.</b> Giving Specific Items or Property</p>	<p>Use this section to give a person a specific item. Examples include vehicles, boats, jewelry, valuables, <u>particular</u> items in your home, real estate other than your home, or other items.</p>

#### 2.3.A. Giving My Home

Complete this section ***only if*** you want to give your interest in your home to one or more specific persons. If you do not complete this section, your home will go to whom you named in Section 2.2 "Everything I Own."

This section is for your home only, not your personal and household items. You can give your personal and household items in the next section, Section 2.3.B "Giving My Personal and Household Items."

If you do not fill in a space, cross the space out.

<p>I give my interest in my home, subject to mortgages and liens, in equal shares to the following person or persons who survive me. If none of these people survives me, my interest in my home will pass under Section 2.2 "Everything I Own."</p>			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

---

**Testator: Sign Your Name Here**

**2.3.B. Giving My Personal and Household Items**

Complete this section if you want to give all your interest in your personal and household items to one or more people you name to be divided among them.

You may also give a specific item to a specific person by using the next section, 2.3.C. "Giving Specific Items or Property."

Section 2.2 "Everything I Own" will apply to any items you do not give under this section or Section 2.3.C. "Giving Specific Items or Property." If you do not fill in a space, cross the space out.

**"Personal and household items"** means all household goods, furniture, furnishings, tools, garden equipment, china, silver, works of art, jewelry, clothing, personal effects, and any other similar items of personal property.

<p>Except for any specific gifts I make in Section 2.3.C "Giving Specific Items or Property," I give all of my interest in my personal and household items in equal shares to the following person or persons who survive me. If none of these people survives me, my interest in these items will pass under Section 2.2 "Everything I Own." My interest in these items shall be divided among them as they agree. If they cannot agree, the Executor will decide.</p>			
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle Initial</i>	<i>Last</i>	<i>Suffix</i>

\_\_\_\_\_  
**Testator: Sign Your Name Here**

**2.3.C. Giving Specific Items or Property**

Complete this section if you want to give someone your interest in a specific item or property. Examples include vehicles, boats, jewelry, valuables, particular items in your home, real estate other than your home, or other items.

If you do not fill in a space, cross the space out.

I give my interest in each item listed below to the person named next to the item if that person survives me.

<b><u>Item(s) to be given:</u></b> <i>Please describe in detail</i>	<b><u>Full name of person getting item(s):</u></b>
	<i>First      Middle Initial      Last      Suffix (Jr. Sr., etc.)</i>
	<i>First      Middle Initial      Last      Suffix</i>

---

**Testator: Sign Your Name Here**

### SECTION 3. INDEPENDENT EXECUTOR

*In this section you choose the person you want to be in charge of your estate after you die. This person must be 18 years old or over and cannot be a convicted felon.*

*Your choice of Independent Executor must be approved by the Court before he or she can act as Independent Executor. After appointment, the Court generally does not supervise the Independent Executor.*

*If you use this Will form, you can only have one Independent Executor in charge at a time. It is best to name a second and third choice in case someone you name cannot serve as Independent Executor.*

*If you do not fill in a space, cross the space out.*

- 3.1.** I name the following persons in the order listed to be appointed as sole Independent Executor of my Will and estate. If a person does not serve or stops serving for any reason, then I name the next listed person.

1. Name of First Choice for Independent Executor			
_____	_____	_____	_____
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>

2. Name of Second Choice for Independent Executor			
_____	_____	_____	_____
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>

3. Name of Third Choice for Independent Executor			
_____	_____	_____	_____
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix (Jr. Sr., etc.)</i>

- 3.2.** My Independent Executor is not required to post a bond in any jurisdiction.
- 3.3.** Once appointed by the Court, the Independent Executor shall administer and distribute the estate as required by law. The power to administer the estate includes the power to sell real and personal property. The Independent Executor can act without the consent of my beneficiaries.
- 3.4.** No action shall be had in the Probate Court in relation to the settlement of my estate other than the probating and recording of this Will, notice to beneficiaries as required by the Texas Estates Code, and the return of any required inventory, appraisalment, and list of claims owed to my estate.

---

**Testator: Sign Your Name Here**

**SECTION 4. CUSTODIAN FOR PERSONS UNDER AGE 21  
WHO RECEIVE GIFTS UNDER THIS WILL.**

- 4.1. Any gift to a person under 21 may instead be delivered to a Custodian for that person under the Uniform Transfers to Minor Act of Texas or any other state.
- 4.2. My Executor may name a Custodian for any beneficiary under age 21.
- 4.3. My Executor may consider appointing a beneficiary's surviving as Custodian but is not required to do so.
- 4.4. My Executor may name different Custodians for different beneficiaries.
- 4.5. My Executor may also serve as Custodian.

**SECTION 5. TEXAS LAW APPLIES AND SURVIVORSHIP**

- 5.1. Texas law shall apply to all matters related to this Will.
- 5.2. No person shall be considered to have survived me unless that person is living 30 days after my death.
- 5.3. My spouse and I have no contract or agreement regarding this Will. I may change this Will at any time without notice to my spouse.

**SECTION 6. EXECUTION, ATTESTATION, AND SELF-PROOF OF WILL**

*DO NOT sign UNTIL the Testator, Witnesses, & Notary are all in the same room.  
DO NOT LEAVE until everyone has signed.*

Before me, the undersigned authority, on this day personally appeared the following:

**Print  
Names  
Here**

\_\_\_\_\_, the Testator.  
*First Middle Initial Last Suffix (Jr. Sr., etc.) The Testator is the person making this Will*

\_\_\_\_\_, the first witness.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

\_\_\_\_\_, the second witness.  
*First Middle Initial Last Suffix (Jr. Sr., etc.)*

1. I, as the Testator, after being duly sworn, declare to the undersigned witnesses and to the undersigned authority:
  - a. This instrument is my Will.
  - b. I willingly make and execute this Will as my free act and deed.
  - c. I execute this Will in the presence of the undersigned witnesses, all of whom are present at the same time.
  - d. I request each of the undersigned witnesses to sign this Will in my presence and in the presence of each other.
  - e. I now sign this Will in the presence of the attesting witnesses and the undersigned authority on  
 \_\_\_/\_\_\_/\_\_\_.  
 Month/ Day/ Year

\_\_\_\_\_  
**Testator: Sign your name here**

2. The undersigned witnesses, after being duly sworn, declare to the testator and to the undersigned authority:
  - a. The testator declared to us that this instrument is the testator's Will.
  - b. The testator requested us to act as witnesses to the testator's Will and signature.
  - c. The testator then signed this Will in our presence, all of us being present at the same time.
  - d. The testator is 18 years of age or over (or being under such age, is or has been lawfully married, or is a member of the armed forces of the United States or of an auxiliary of the armed forces of the United States or of the United States Maritime Service).
  - e. We believe the testator to be of sound mind.
  - f. We are each at least 14 years of age.
  - g. We now sign our names as attesting witnesses in the presence of the testator, each other, and the undersigned authority on \_\_\_/\_\_\_/\_\_\_.  
 Month/Day/Year

\_\_\_\_\_  
**First witness signs here**

\_\_\_\_\_  
**Second witness signs here**

Subscribed and sworn to before me  
by the Testator and the Witnesses,  
on \_\_\_/\_\_\_/\_\_\_.

\_\_\_\_\_  
**Notary Public, State of Texas**  
(Seal)

End of Will

# Texas Adult Name Change Forms

## INSTRUCTIONS

**This Adult Name Change Forms Set Contains** instructions and three forms: a Statement of Inability to Afford Payment of Court Costs, a Petition to Change the Name of an Adult, and a Final Order to Change the Name of an Adult. The chart below describes each form and when to use it.

### Do Not Use This Adult Name Change Form Set if:

- You want to change someone else's name instead of your own.
- You are younger than 18 years old.
- You have a felony conviction(s) and you have not been pardoned; OR it has not yet been two years since you were discharged or completed probation.
- You are required to register as a sex offender and have not yet turned in a Sex Offender Update form to your local law enforcement authority.

### Use This Adult Name Change Form Set if:

- You want to change your own name, not someone else's name.
- You are at least 18 years old.
- You have no felony convictions.
- You have a felony conviction(s) and you attach proof:
  - o That you have been pardoned; OR
  - o That it has been at least two years since you were discharged or completed probation.
- You are not a sex offender, OR you are required to register as a sex offender and:
  - o You submit a Sex Offender Update Form to your local law enforcement authority notifying them that you are asking the Court to change your name, and
  - o You attach proof that you have done so to your Petition.

### Contents of Adult Name Change Forms Set:

Name of Form	What It Is and How to Use It
<b>Statement of Inability to Afford Payment of Court Costs</b>	If you are poor, or on government benefits because you are poor, or you cannot pay court fees, you may fill out this form to ask the Court if you can file for a name change without paying the court and filing fees. The Court may ask you to present evidence of your income and expenses at a hearing. The Court may or may not decide to let you file without paying. It is sometimes called a "Pauper's Oath" or an "Affidavit of Inability to Pay Costs."
<b>Petition to Change the Name of an Adult</b>	<b>You must swear that the information in this form is true by completing a sworn declaration or signing the form in front of a notary public.</b> It informs (tells) the court that you want to change your name, why you want to change your name, and what you want the Court to change your name to. It also notifies the Court of any criminal history.
<b>Final Order to Change the Name of an Adult</b>	This form changes your name once the Court signs it. Fill it out and bring it with you to court.

### Need Help?

- It is always best to hire a lawyer. To get a referral to a lawyer or, if you are poor, to a free Legal Aid program, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690.
- If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Hotline by calling 1-800-374-4673.
- If you are poor, you may be able to talk to an attorney online by live chat at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

## How to Use this Set:

### Step 1: Read These General Instructions

- Do not change the forms to change the name of a child or another adult. This Set is NOT to be used for those situations.
- Use blue ink to complete the forms. Pencil and other color ink will not scan clearly.
- Fill out all the spaces on the forms unless instructed otherwise. The judge and court personnel will not fill them out for you. The judge may require you to correct errors that you may make, or may deny the name change if the information is inaccurate or incomplete.
- Make a copy of each form you complete and keep it for your records.
- Find out whether name changes are filed in the district court or county court in your county by calling the district court clerk's office and asking.

### Step 2: Collect the Following Items to File with Your Petition

- Fingerprints: Get a legible and complete set of your fingerprints made on a Texas Department of Public Safety or Federal Bureau of Investigation fingerprint card. There is a fee for this service. Write "**Exhibit A**" at the top.
  - *Criminal Background Check*. Some courts may require you to have a criminal background check conducted. Check the Court's policy to determine if it is required. If so, you will need to mail your fingerprint card to the Texas Department of Public Safety to get a criminal background check done. There is a fee for this service. They will send the results directly to the court. See the Texas Department of Public Safety website for specific instructions on submitting fingerprint cards for a legal name change. This needs to be done *after* the petition is filed to make sure it is required.
- If you have a felony conviction(s): Get proof that you have been pardoned OR that it has been at least two years since you were discharged or completed probation. Write "**Exhibit B**" at the top.
- If you are required to register as a sex offender: Get a copy of the *Sex Offender Update Form* that you submitted to your local law enforcement authority notifying them that you are asking to have your name changed. Write "**Exhibit C**" at the top.

### Step 3: Fill out the Petition to Change the Name of an Adult and, if you are poor, the Statement of Inability to Afford Payment of Court Costs

- Fill out the Petition to Change the Name of an Adult. You are the Petitioner. You must swear the information in your Petition to Change the Name of an Adult is true by completing a **sworn declaration** or signing the form in front of a **notary public**.
- You will need to list the Class A or B misdemeanors or felonies you have been **charged** with. You will also need to list Class A or B misdemeanors or felonies you have been **convicted** of.
- If you are poor, are receiving public assistance, or do not think you have enough money to pay the court costs for your name change, fill out the Statement of Inability to Afford Payment of Court Costs.
- You will need to fill out a Civil Case Information Sheet form, which you can get at the courthouse.
- Make one copy of the Petition to Change the Name of an Adult and, if you are using it, the Statement of Inability to Afford Payment of Court Costs.

#### **Step 4: File (turn in) your Petition to Change the Name of an Adult, and if applicable, your Statement of Inability to Afford Payment of Court Costs**

- Take the following documents to the courthouse and file them (turn them in) with the District or County Court Clerk in the county where you live:
  - The original and the copy of your Petition to Change the Name of an Adult;
  - If applicable, your Statement of Inability to Afford Payment of Court Costs. NOTE: If you are using a Statement of Inability to Afford Payment of Court Costs, you must file the Petition to Change the Name of an Adult and the Statement of Inability to Afford Payment of Court Costs at the same time.
  - If you have a felony conviction(s), attach proof that you have been pardoned OR that it has been at least two years since you received a certificate of discharge or completed court ordered community supervision or juvenile probation to your Petition to Change the Name of an Adult.
  - If you are required to register as a sex offender, attach a copy of the *Sex Offender Update Form* that you submitted to your local law enforcement authority notifying them that you are asking to have your name changed to your Petition to Change the Name of an Adult.
- Ask the clerk:
  - If there are local rules that you need to know for your name change case.
  - For a Civil Case Information Sheet. Fill it out and file it with your Petition.
  - To “file-stamp” your copy. The clerk will stamp your papers with the date and time you turned them in. The clerk will keep the original and give you back your file-stamped copy.
- If you are not filing a Statement of Inability to Afford Payment of Court Costs, you will need to pay a filing fee. The fee may be between \$150- \$300, depending on where you live.

#### **Step 5. Complete Final Forms and Prepare for Court.**

- Fill out the Final Order to Change the Name of an Adult form.
  - *Note:* Some courts require you to file the Final Order prior to scheduling the final hearing.
- Prepare for Court.
  - You will need to give testimony when talking to the judge. Some judges will ask you questions, others want you to “prove up” your case by reading a “script” of testimony. You can find sample “prove up” testimony for an adult name change online at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).
  - Learn tips on what to do when you go to court and when the judge calls your case online at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) and [www.TexasCourtHelp.org](http://www.TexasCourtHelp.org).
  - Bring proof of identification the judge may want. Some examples include: passport, state issued identification card, driver’s license, etc.
  - Some judges will require you to testify that you are not attempting to change your name in order to evade creditors or criminal prosecution.

#### **Step 6. Go to Court to Present Your Adult Name Change Case to the Judge**

- Ask the clerk how to get an uncontested hearing and bring the following to court with you on that day:
  1. A file-stamped copy of your Petition to Change the Name of an Adult and all the exhibits you filed with your Petition;
  2. If you’ve been convicted of a felony, your proof as discussed above; and
  3. If you are required to register as a sex offender, a copy of the *Sex Offender Update Form* that you submitted to your local law enforcement authority.

- When you go to the court, stop by the clerk's office:
  - Ask if you need the court file, a docket sheet (list of what has been filed), or anything else from their office to bring with you to court.

### **Step 7. Finalize Your Name Change**

- Once the judge has signed your Final Order to Change the Name of an Adult, you may need to take it to the clerk's office and file it (turn it in). Your name change will not be recorded until you do so.
- Get a certified copy of the Final Order to Change the Name of an Adult from the clerk while you are there. There is a fee to get a certified copy, but you will need one to get official documents changed to your new name, such as Social Security card, driver's license, and voter registration certificate.
- Check with the clerk to see if you need to do anything else to finalize your name change. Each county is different.

### **Step 8. Change Official Documents to Show Your New Name**

- To change the name on your social security card, you must have a certified copy of the Final Order. For more details go to [http://ssa-custhelp.ssa.gov/app/answers/detail/a\\_id/315/~/change-a-name-on-a-social-security-card](http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/315/~/change-a-name-on-a-social-security-card). You must change your social security card before you can change your driver's license.
- To change the name on your driver's license, you must take a certified copy of the Final Order to a Texas Department of Public Safety office. See <http://www.txdps.state.tx.us/driverlicense/changes.htm#Name> for more details. There is a fee to have your driver's license changed.
- To change your name on your voter registration certificate, notify your County Voter Registrar in writing. For more information, visit <http://www.sos.state.tx.us/elections/pamphlets/largepamp.shtml>.

### **Step 9. Change Your Birth Certificate to Show Your New Name (*Not Required*)**

- After the judge approves your name change, you may want to change your birth certificate to reflect your new name. It is not required.
- If you wish to change your birth certificate, you will need to get an Application for Amended Birth Certificate based on a Court Ordered Name Change form from the Bureau of Vital Statistics. You can find it online at the Bureau of Vital Statistics website at <http://www.dshs.state.tx.us/VIS/>. There is a fee to have your birth certificate changed.

**WARNING:** Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

(Print your answers in blue ink.)

Cause Number: \_\_\_\_\_  
(The Clerk's office will fill out the cause number when you file the form.)

Petitioner: \_\_\_\_\_

In the: \_\_\_\_\_ (check one)  District Court  County Court of \_\_\_\_\_ County, Texas  
(Court Number) (County)

### Petition to Change the Name of an Adult

(Use this form only if you are changing your own name)

#### I. Petitioner

1. My current legal name is:

\_\_\_\_\_  
First Middle Last

2. I ask the Court to change my legal name to:

\_\_\_\_\_  
First Middle Last

3. The reason I want to change my name is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### II. Discovery

The discovery level in this case is Level 1.

#### III. Personal Information

1. Home Address: \_\_\_\_\_  
Address

\_\_\_\_\_  
City County State ZIP Code

2. My complete driver's license number is: \_\_\_\_\_. My driver's license was issued in \_\_\_\_\_.  
State

**Or**  I do not have a driver's license number.

List any other driver's licenses you have had in the past 10 years:

Issuing State	License Number
_____	_____
_____	_____
_____	_____

3. My complete social security number is: \_\_\_\_\_.

**Or**  I do not have a social security number.

4. My date of birth is: \_\_\_\_\_  
Month Day Year

5. My place of birth was: \_\_\_\_\_  
City County State

Country

6. My sex listed on my birth certificate:  Male  Female

7. My race is: \_\_\_\_\_.

#### IV. Criminal History

1. Have you ever been **charged** with a Class A or B misdemeanor or a felony?  Yes  No

*If yes, write your FBI and State Identification Number (SID) numbers, if known:*

FBI # \_\_\_\_\_ SID # \_\_\_\_\_

*List **all** Class A or B misdemeanors and felonies with which you have been charged, whether or not you were convicted. If you need more space, attach an additional page.*

Offense (CHARGED)	Cause Number	County	Court number	Court
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>

2. Have you ever been **convicted** of a felony?  Yes  No

*If yes, the court **may** order your name changed **if** you have been pardoned, or it has been at least 2 years since you were discharged or completed probation. Attach proof. See below.*

*List **all** of your felony convictions here. If you need more space, attach an additional page.*

Offense (CONVICTED)	Cause Number	County	Court number	Court
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>

3. Are you required to register as a sex offender?  Yes  No

*If yes, you are required to submit to your local law enforcement authority a copy of the Sex Offender Update Form to notify them that you are trying to change your name. You also must attach a copy of the Sex Offender Update Form you submitted to local law enforcement authority to this Petition.*

#### V. Prayer

1. I believe this name change is in my interest or benefit and in the interest of the public.
2. I ask the Court to make an Order to change my name, and any other Orders I may be entitled to.

I swear under oath under penalty of perjury that the facts stated in this Petition are true and correct. I understand I could be prosecuted for lying on this form.

**VI. Declaration or Notary:** Complete one of the two following sections.

Declaration:

I declare under penalty of perjury that everything in this petition is true and correct.

My name is \_\_\_\_\_ . My birthdate is: \_\_\_\_/\_\_\_\_/\_\_\_\_ .

My address is \_\_\_\_\_  
Street City State ZIP Country

\_\_\_\_\_ signed on \_\_\_\_/\_\_\_\_/\_\_\_\_ in County \_\_\_\_\_ , \_\_\_\_\_ .  
Signature Month/Day/Year County Name State

Notary: **MUST BE SIGNED IN FRONT OF A NOTARY PUBLIC**

\_\_\_\_\_ Petitioner Printed Name \_\_\_\_\_ Petitioner Signature

State of \_\_\_\_\_ County of \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY

You must attach these documents to your Petition:

- A legible and complete set of your fingerprints on a Texas Department of Public Safety or Federal Bureau of Investigation fingerprint card. Write **“Exhibit A”** at the top.
- If you were convicted of a felony and have been pardoned, or if it has been at least 2 years since you were discharged or completed probation, attach proof of these facts. Write **“Exhibit B”** at the top.
- If you are required to register as a sex offender, a copy of the *Sex Offender Update Form* you submitted to your local law enforcement authority notifying them you are asking the Court to change your name. Write **“Exhibit C”** at the top.

**WARNING:** Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

*Print court information exactly as it appears on your Petition to Change the Name of an Adult and use blue ink.*

Cause Number: \_\_\_\_\_  
*(The Clerk's office will fill out the cause number when you file the form.)*

Petitioner: \_\_\_\_\_

In the: \_\_\_\_\_ (check one)  District Court  County Court of \_\_\_\_\_ County, Texas  
*(Court Number) (County)*

### Final Order to Change the Name of an Adult

A hearing took place today.

#### I. Appearances

The Petitioner was present without an attorney.

#### II. Jurisdiction

The Court finds that it has jurisdiction over this case and the Petitioner.

#### III. Record

*The court fills out this box.*

- A court reporter did not record today's hearing because the parties and judge agreed not to make a record.
- A court reporter recorded today's hearing

#### IV. Findings

The Court finds that Petitioner's personal information is as follows:

1. Petitioner's current legal name is:

\_\_\_\_\_  
*First Middle Last*

2. Petitioner's home address is:

\_\_\_\_\_  
*Address City County State ZIP*

3. Petitioner's complete driver's license number is: \_\_\_\_\_. Petitioner's driver's license was issued in \_\_\_\_\_.  
*State*

**Or**  Petitioner does not have a driver's license number.

All driver's license numbers issued to Petitioner during the past 10 years:

Issuing State	License Number
_____	_____
_____	_____
_____	_____

4. Petitioner's complete social security number is: \_\_\_\_\_.

Or  Petitioner does not have a social security number.

5. Petitioner's date of birth is: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Month Day Year

6. Petitioner's place of birth was:  
\_\_\_\_\_  
City County State Country

7. Petitioner's gender at birth was: (check one)  
 Female  Male

8. Petitioner's race is: \_\_\_\_\_.

9. Petitioner (check all that apply):  
 does **not** have FBI number or SID number.  
 Petitioner's FBI (Federal Bureau of Investigations) number is: \_\_\_\_\_  
 Petitioner's SID (State Identification) number is: \_\_\_\_\_

10. Petitioner (check one):  
 has **not** been **charged** with a Class A or B misdemeanor or a felony.  
 has been **charged** with a Class A or B misdemeanor or a felony. Listed below is the case number and court for each of these crimes (attach more pages if necessary):

Offense (CHARGED)	Cause Number	County	Court number	Court
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>
_____	_____	_____	_____	<input type="checkbox"/> District Court <input type="checkbox"/> <u>County Court</u>

11. Petitioner (check one):  
 has not been convicted of a felony.  
 has been convicted of a felony and has been pardoned.  
 has been convicted of a felony and at least two years have passed since Petitioner has received a certificate of discharge or completed a court-ordered period of community supervision or juvenile probation.

12. Petitioner (check one):  
 is **not** a sex offender.  
 **is** required to register as a sex offender, has submitted a Sex Offender Update Form to local law enforcement authority of this proposed name change, and provided proof to the court of the submission.

13. Petitioner's *Petition to Change the Name of an Adult* included a legible and complete copy of Petitioner's fingerprints.

14. Petitioner's change of name is in Petitioner's interest or benefit and is in the interest of the public.

**V. Orders**

The Court orders the Petitioner's name be changed from:

Current name: \_\_\_\_\_  
*First Middle Last*

To this name: \_\_\_\_\_  
*First Middle Last*

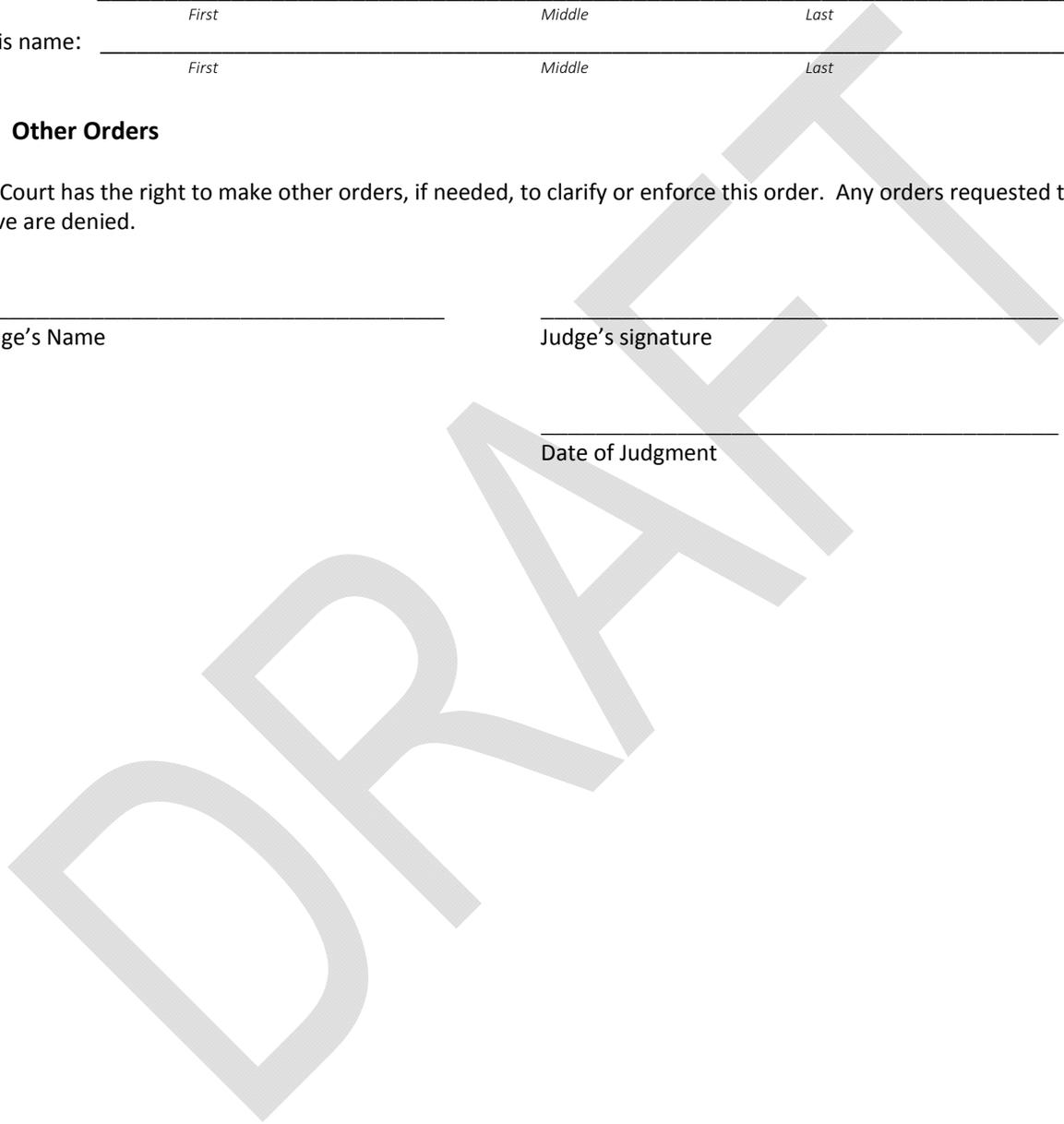
**VI. Other Orders**

The Court has the right to make other orders, if needed, to clarify or enforce this order. Any orders requested that do not appear above are denied.

\_\_\_\_\_  
Judge's Name

\_\_\_\_\_  
Judge's signature

\_\_\_\_\_  
Date of Judgment



# Texas Child Name Change Forms

## INSTRUCTIONS

**This Child Name Change Forms Set Contains** instructions and four forms: a Statement of Inability to Afford Payment of Court Costs, a Petition to Change the Name of a Child, a Child’s Consent to Name Change, and a Final Order to Change the Name of a Child. The chart below describes each form and when to use it.

### Do Not Use This Child Name Change Form Set if:

- You want to change your name or the name of a person who is 18 years old or older.
- You are not the biological, legal, or adoptive parent, managing conservator, or legal guardian of the child. You cannot change the child’s name if your only legal relationship to the child is as a stepparent.
- The child is at least 10 years old and does not agree to the name change.
- The child is required to register as a sex offender and a Sex Offender Update Form has not yet been turned in to your local law enforcement authority notifying them of the name change request.
- Any other person with a legal relationship to the child (parent, managing conservator, etc.) does not agree to the petition and refuses to sign.

### Use This Child Name Change Form Set when:

- All people with a legal relationship to the child (parent, managing conservator, etc.) agree to the name change.
- You want to change the name of a child under the age of 18.
- You are the biological, legal, or adoptive parent, managing conservator, or legal guardian of the child. You cannot change the child’s name if your only legal relationship to the child is as a stepparent.
- The child is 10 years old or older, and the child agrees to the name change in writing.
- The child is not a sex offender, OR the child is required to register as a sex offender and:
  - o You submit a *Sex Offender Update Form* to your local law enforcement authority notifying them that you are asking the Court to change the child’s name, and
  - o You attach proof that you have done so to your Petition.

### Contents of Child Name Change Forms Set:

Name of Form	What It Is and How to Use It
<b>Statement of Inability to Afford Payment of Court Costs</b>	If you are poor, or on government benefits because you are poor, or you cannot pay court fees, you may fill out this form to ask the Court if you can file for a name change without paying the court and filing fees. The Court may ask you to present evidence of your income and expenses at a hearing. The Court may or may not decide to let you file without paying. It is sometimes called a “Pauper’s Oath” or an “Affidavit of Inability to Pay Costs.”
<b>Petition to Change the Name of a Child</b>	<b>You must swear that the information in this form is true by completing a sworn declaration, or signing the form in front of a notary public.</b> It informs (tells) the court that you want to change your name, why you want to change your name, and what you want the Court to change your name to. It also notifies the Court of any criminal history.
<b>Child’s Consent to Change Name</b>	This form must be filled out if the child is 10 years old or older. It shows that the child agrees to the name change. It must be signed by the child and attached to the Petition.
<b>Final Order to Change the Name of a Child</b>	This form finalizes the child’s name change once the Court signs it. Fill it out and bring it to the final hearing on the child’s name change.

## Need Help?

- It is always best to hire a lawyer. To get a referral to a lawyer or, if you are poor, to a free Legal Aid program, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690.
- If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Hotline by calling 1-800-374-4673.
- If you are poor, you may be able to talk to an attorney online by live chat at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

## How to Use this Set:

### Step 1: Read These General Instructions

- Do not change the forms to change the name of an adult. This Set is NOT to be used for an adult name change.
- Use blue ink to complete the forms. Pencil and other color ink will not scan clearly.
- Fill out all the spaces on the forms unless instructed otherwise. The judge and court personnel will not fill them out for you. The judge may require you to correct errors that you may make, or may deny the name change if the information is inaccurate or incomplete.
- Make enough copies of each form you complete for each person with a legal relationship to the child, including yourself. Keep one copy. The other copies are for the other parent(s), or anyone else with a legal relationship to the child. If no other person has a legal relationship to the child, e.g. the other parent is deceased, make only one copy for your records.
- Find out whether name changes are filed in the district court or county court in your county by calling the district court clerk's office and asking.

### Step 2: If the Child is Required to Register as a Sex Offender:

- Get a copy of the *Sex Offender Update Form* that you submitted to your local law enforcement authority notifying them that you are asking to have the child's name changed. Write "**Exhibit A**" at the top. You will need to file it with the Petition to Change the Name of a Child.

### Step 3: Fill out the Petition to Change the Name of a Child and, if you are low-income, the Statement of Inability to Afford Payment of Court Costs

- Fill out the Petition to Change the Name of a Child. You are the Petitioner. You and all Co-Petitioners must swear that the information in your Petition to Change the Name of a Child is true by completing a sworn declaration, or by signing the form in front of a **notary public**.
- If the child is 10 years old or older, complete the Child's Consent to Change Name and have the child sign it. It needs to be attached to, and filed with, the Petition.
- If you are low-income, are receiving public assistance, or do not think you have enough money to pay the court costs to change the child's name, fill out the Statement of Inability to Afford Payment of Court Costs.
- You will need to fill out a Civil Case Information Sheet form, which you can get at the courthouse.
- Make copies of the Petition to Change the Name of a Child, the Child's Consent to Change Name, and, if you are using it, the Statement of Inability to Afford Payment of Court Costs.

**Step 4: File (turn in) the Petition to Change the Name of a Child, and if applicable, the Statement of Inability to Afford Payment of Court Costs**

Take the following documents to the courthouse and file them (turn them in) with the District or County Court Clerk in the county where the child resides:

- The original and the copy of the Petition to Change the Name of a Child.
- The Child's Consent to Change Name, attached to and filed with the Petition.
- If the child is required to register as a sex offender, attach a copy of the *Sex Offender Update Form* that you submitted to your local law enforcement authority notifying them that you are asking to have the child's name changed to the Petition to Change the Name of a Child.
- If applicable, a Statement of Inability to Afford Payment of Court Costs. NOTE: If you are using a Statement of Inability to Afford Payment of Court Costs, you must file the Petition to Change the Name of a Child and the Statement of Inability to Afford Payment of Court Costs at the same time.
- Ask the clerk:
  - If there are local rules that you need to know to change a child's name.
  - For a Civil Case Information Sheet. Fill it out and file it with your Petition.
  - To "file-stamp" your copy. The clerk will stamp your papers with the date and time you turned them in. The clerk will keep the original and give you back your file-stamped copy.
- If you are not filing a Statement of Inability to Afford Payment of Court Costs, you will need to pay a filing fee. The fee may be between \$150- \$300, depending on where you live.

**Step 5. Complete Final Forms and Prepare for Court.**

- Check with the Court to see if the child who is ten years of age or older should be brought to court.
- Fill out the Final Order to Change the Name of a Child form.
  - Note: Some courts require you to file the Final Order prior to scheduling the final hearing.
- Prepare for Court.
  - You will need to give testimony when talking to the judge. Some judges will ask you questions, others want you to "prove up" your case by reading a "script" of testimony. You can find sample "prove up" testimony for changing a child's name online at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).
  - Learn tips on what to do when you go to court and when the judge calls your case online at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) and [www.TexasCourtHelp.org](http://www.TexasCourtHelp.org).

**Step 6. Go to the Court to Present the Child's Name Change Case to the Judge**

- Ask the clerk how to get an uncontested hearing and bring the following to court with you on that day:
  - A file-stamped copy of your Petition to Change the Name of a Child signed by all persons with a legal relationship to the child;
  - Your completed Order to Change the Name of a Child;
  - If the child is required to register as a sex offender, a copy of the *Sex Offender Update Form* that you submitted to your local law enforcement authority about the child's name change.
- When you go to the court for the uncontested docket, stop by the clerk's office:
  - Ask if you need the court file, a docket sheet (list of what has been filed), or anything else from their office to bring with you to the uncontested docket.
- Ask the Court if the child should be there.

**Step 7. Finalize the Child's Name Change**

- Once the judge has signed the Final Order to Change the Name of a Child, you may need to take it to the clerk's office. The name change will not be recorded until you do so.
- Get a certified copy of the Final Order to Change the Name of a Child from the clerk while you are there. There is a fee to get a certified copy, but you will need one to get official documents changed to the child's new name.
- Check with the clerk to see if you need to do anything else to finalize the name change. Each county is different.

**Step 8. Change Official Documents to Show the Child's New Name**

- To change the name on the child's social security card, you must have a certified copy of the Final Order. For more details go to [http://ssa-custhelp.ssa.gov/app/answers/detail/a\\_id/315/~/change-a-name-on-a-social-security-card](http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/315/~/change-a-name-on-a-social-security-card). You must change the child's social security card before you can change the child's driver's license.
- To change the name on the child's driver's license, you must take a certified copy of the Final Order to a Texas Department of Public Safety office. See <http://www.txdps.state.tx.us/driverlicense/changes.htm#Name> for more details. There is a fee to have the child's driver's license changed.

**Step 9. Change the Child's Birth Certificate to Show the Child's New Name (Not Required)**

- After the judge approves the child's name change, you may want to change the child's birth certificate to reflect the child's new name. It is not required.
- If you wish to change the child's birth certificate, you will need to get an Application for Amended Birth Certificate based on a Court Ordered Name Change form from the Bureau of Vital Statistics. You can find it online at the Bureau of Vital Statistics website at <http://www.dshs.state.tx.us/VS/>. There is a fee to have the birth certificate changed.

**WARNING:** Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

(Fill out every blank on this form. Print your answers in blue ink.)

Cause Number: \_\_\_\_\_  
(The Clerk's office will fill out the cause number when you file the form.)

In the Matter of Change of Name of a Child: \_\_\_\_\_  
(Print child's current first, middle, and last legal name.)

In the: \_\_\_\_\_ (check one)  District Court  County Court of \_\_\_\_\_ County, Texas  
(Court Number) (County)

## Agreed Petition to Change the Name of a Child

I. **Discovery:** The discovery level in this case is Level 1.

### II. Parties

1. **Petitioner** (Person filing this petition)

a. My name is:

\_\_\_\_\_  
First Middle Last

b. I am the child's: (Check all boxes that apply)

parent (biological, legal, or adoptive; *not the stepparent*).

managing conservator as ordered by a court.

legal guardian as ordered by a court.

c. My complete social security number is: \_\_\_\_\_.

or  I do not have a social security number.

d. My complete driver's license number is: \_\_\_\_\_. It was issued in \_\_\_\_\_.

or  I do not have a driver's license number.

2. **Other Parties** (Check and complete either a or b)

a.  **No Other Party Exists:** No other adult has a legal relationship with this child because:  
(check all that apply)

The other parent is dead. (Attach a copy of the death certificate.)

Parental rights were terminated. (Attach a certified copy of the court order of termination.)

No other person has been named by a court as a managing conservator or a legal guardian of the child.

- b.  **Co-Petitioner 1:** The following person has a legal relationship to this child and has signed this Petition to show s/he agrees to the child's name change. (Co-Petitioner must sign this Petition in front of a notary or sign a declaration to show s/he agrees with this name change.)

\_\_\_\_\_  
First Middle Last

Co-Petitioner is the child's: (Check all boxes that apply)

parent (biological, legal, or adoptive; *not the stepparent*).

managing conservator as ordered by a court.

legal guardian as ordered by a court.

Co-Petitioner's complete social security number is: \_\_\_\_\_.

**Or**  Co-Petitioner does not have a social security number.

Co-Petitioner's complete driver's license number is: \_\_\_\_\_. It was issued in \_\_\_\_\_.

**Or**  Co-Petitioner does not have a driver's license number.

- c.  **Co-Petitioner 2:** The following person has a legal relationship to this child and has signed this Petition to show s/he agrees to the child's name change. (Co-Petitioner must sign this Petition in front of a notary or sign a declaration to show s/he agrees with this name change.)

\_\_\_\_\_  
First Middle Last

Co-Petitioner is the child's: (Check all boxes that apply)

parent (biological, legal, or adoptive; *not a stepparent*).

managing conservator as ordered by a court.

legal guardian as ordered by a court.

Co-Petitioner's complete social security number is: \_\_\_\_\_.

**Or**  Co-Petitioner does not have a social security number.

Co-Petitioner's complete driver's license number is: \_\_\_\_\_. It was issued in \_\_\_\_\_.

**Or**  Co-Petitioner does not have a driver's license number.

**III. Jurisdiction.** The Court has jurisdiction over this case, the parties, and the child.

**IV. Information about the Child**

If the child is 10 or older, the *Child's Consent to Name Change form* must be filled out and **signed** by the child.

1. The child's current legal name is:

\_\_\_\_\_

*First* *Middle* *Last*

2. The child resides in:

\_\_\_\_\_

*City* *County* *State*

3. The child's date of birth is:

\_\_\_\_/\_\_\_\_/\_\_\_\_

*Month* *Day* *Year*

4. The child's place of birth was:

\_\_\_\_\_

*City* *County* *State* *Country*

5. The sex listed on child's birth certificate:  Male  Female

6. This child:  is  is not required to register as a sex offender.

If the child is required to register as a sex offender, you must fill out and submit a *Sex Offender Update Form* to local law enforcement authority stating that you are asking the Court to change the child's name. Attach a copy of that form to this Petition and write **Exhibit A** at the top.

**v. Court Order Involving Child** *(Check one)*

- No court order currently exists that involves, or is about, this child.
- A court has made orders involving this child, in the following case(s) (include divorce decree or orders obtained through the Office of the Attorney General or Child Protective Services):

\_\_\_\_\_

*Case number* *County & State* *Type of case (child support, custody, adoption, divorce, CPS, etc.)*

\_\_\_\_\_

*Case number* *County & State* *Type of case (child support, custody, adoption, divorce, CPS, etc.)*

\_\_\_\_\_

*Case number* *County & State* *Type of case (child support, custody, adoption, divorce, CPS, etc.)*

**VI. Name Change Request**

1. I/We ask the Court to change this child's current legal name to:

\_\_\_\_\_

*First* *Middle* *Last*

2. The reason I/we want to change this child's current legal name is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We believe the requested name change is in the child's best interest.

**VII. Prayer**

The change of name is in the best interest of the child. If the child is required to register as a sex offender, the change of name is also in the best interest of the public. Notice was provided to the local law enforcement authority.

I/We ask the Court to make an Order to change the child's current legal name and any other Orders the child may be entitled to. I/We swear under oath that the facts stated in this *Petition* are true and correct.

**VI. Petitioner's Declaration or Notary: (Complete one of the two following sections)**

Declaration:

I declare under penalty of perjury that everything in this petition is true and correct.

My name is \_\_\_\_\_ . My birthdate is: \_\_\_\_/\_\_\_\_/\_\_\_\_ .

My address is \_\_\_\_\_  
Street City State ZIP Country

\_\_\_\_\_  
Signature signed on \_\_\_\_/\_\_\_\_/\_\_\_\_ in County \_\_\_\_\_, \_\_\_\_\_.  
Month/Day/Year County Name State

Notary: **MUST BE SIGNED IN FRONT OF A NOTARY PUBLIC**

\_\_\_\_\_  
Petitioner Printed Name

\_\_\_\_\_  
Petitioner Signature

State of \_\_\_\_\_ County of \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY

**VII. Co-Petitioner's Declaration or Notary:** (Complete one of the two following sections)

Declaration:

I declare under penalty of perjury that everything in this petition is true and correct.

My name is \_\_\_\_\_ . My birthdate is: \_\_\_\_/\_\_\_\_/\_\_\_\_ .

My address is \_\_\_\_\_  
Street City State ZIP Country

\_\_\_\_\_ signed on \_\_\_\_/\_\_\_\_/\_\_\_\_ in County \_\_\_\_\_, \_\_\_\_\_.  
Signature Month/Day/Year County Name State

Notary: **MUST BE SIGNED IN FRONT OF A NOTARY PUBLIC**

\_\_\_\_\_  
Petitioner Printed Name

\_\_\_\_\_  
Petitioner Signature

State of \_\_\_\_\_

County of \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY

**WARNING:** Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

(Fill out every blank on this form. Print your answers in blue ink.)

Cause Number: \_\_\_\_\_  
*(The Clerk's office will fill out the cause number when you file the form.)*

In the Matter of Change of Name of a  
Child: \_\_\_\_\_  
*(Print child's current first, middle, and last legal name.)*

In the: \_\_\_\_\_ (check one)  District Court  County Court of \_\_\_\_\_ County, Texas  
*(Court Number) (County)*

**This form is required *only* if the child is 10 years or older.**

### Child's Consent to Change Name

1. My current legal name is:

\_\_\_\_\_ *First Middle Last*

2. My age is \_\_\_\_\_. My date of birth is: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

*Month Day Year*

3. I want my name changed to:

\_\_\_\_\_ *First Middle Last*

Child **prints** his/her current legal name here: \_\_\_\_\_

 \_\_\_\_\_  
Child **signs** here

\_\_\_\_\_   
Date the child signed

# WEBB, STOKES & SPARKS, L.L.P.

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October 10, 2018

Chief Justice Nathan L. Hecht

P.O. Box 12248

Austin, Texas 78711-2248

## RE: Citation by Publication

Dear Chief Justice Hecht,

I have been contacted by our local District Clerk with regard to an issue that I believe the Court has addressed to some degree quite recently. In those instances where Citation is allowed by Publication, the reality of recent technology and the consolidation and in some instances the demise of local newspapers is running up against the Rules and Statutes presently in place.

Our local newspaper is now owned by a national chain and is printed in Abilene and the office is run out of Wisconsin. Cost of publishing a notice by publication has gone from approximately \$75 to about \$400. Our community has an online alternative that may have a larger internet/online presence but of course does not physically print a newspaper.

Our firm does personal injury law and I don't honestly know the last time I did a citation by publication, but I have a number of friends who do probate and family law and the cost is simply prohibitive in many instances. Further, and at least as important, is that Citation by Publication is often ineffective when it comes to actually putting someone on notice.

On behalf of Sheri Woodfin, our Tom Green County District Clerk, and myself, we would appreciate the Court's action on this matter and will be happy to provide input and assistance in accomplishing this updating of our Rules and Procedures. Our District Clerk thought that perhaps an online message board accessible by all entities requiring public notice could be developed. I would appreciate it if you would assist us in this regard and perhaps refer this matter to the Supreme Court Advisory Committee for their input. In the event Legislation is necessary as appears likely, we would like to work on this in the next session if at all possible.

Thank you for your courtesy and consideration and please do not hesitate to contact me if you have any questions.

Sincerely,

**WEBB, STOKES & SPARKS, L.L.P.**



Guy D. Choate

cc: Justice Deborah Lehrman  
P.O. Box 12248  
Austin, Texas 78711-2248

Sheri Woodfin  
112 W Beauregard  
San Angelo, Texas 76903