

DeWitt County Clerk eFiling Requirements and Suggestions

The Texas Supreme court has mandated that all civil and probate cases must be filed electronically (e-file) with the DeWitt County Clerk office beginning **January 1, 2016**. We cannot accept fax filings or e-mail filings.

A list of E-file Service Providers (EFSP) is available at www.eFileTexas.gov

Please call the County Clerk's office at 361-275-0864 or email natalie.carson@co.dewitt.tx.us for any questions concerning the eFiling filing requirements. Questions concerning the initial filing (creation) of a case will have to be addressed with your E-file Service Provider (EFSP).

DIGITAL MEDIA STANDARDS (Technology Standards & Supreme Court Orders):

It is the overall responsibility of the filer to refer to the State Supreme Court mandate.

In addition to content and formatting promulgated by the Texas Rules of Civil Procedures, Texas Code of Criminal Procedure, and Texas Rules of Appellate Procedure, the following standards apply to digital media filed electronically or scanned from source records (filed after the effective date of these standards) by the clerk.

DOCUMENT REQUIREMENTS

1. Documents must be in text-searchable PDF, using 300 DPI resolution and using fonts specified in the PDF specification and should be generated directly from the originating software using a PDF distiller whenever possible. Preferably scanned documents should be made searchable using OCR technology.
2. Paper **MUST** be white with a page size of **8.5 x 11**; content must be appropriately rotated. There must be a minimum of one inch margin on top, bottom and sides of page. Printing must be on one side of the paper.
3. Spacing: Text must be double-spaced; footnotes, block quotations, short lists, and issues or points of error may be single-spaced.
4. Typeface: A document produced on a computer must be printed in a conventional typeface no smaller than 14-point except for footnotes, which must be no smaller than 12-point. A typewritten document must be printed in standard 10-character-per-ince (cpi) monospaced typeface.
5. Scanner setting must be set for black and white. Color or grayscale images will be accepted for photographs only.

6. Electronic signatures: A document that is electronically served, filed, or issued by a court or clerk is considered signed if the document includes:
 - a. a “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or
 - b. an electronic image or scanned image of the signature
7. Documents must contain filer’s complete contact information in the signature block including name, address, phone number, fax number (if available) and **email address**.
8. Documents may not contain any security or feature restrictions including password protection or encryption and may not contain embedded multi-media video, audio, or programming.
9. Documents must not contain any malware or viruses. Electronically filing a document constitutes certification by the filer that the document has been checked and is clear of any malware or viruses.
10. Documents may not contain multiple filings; each filing must be filed separately. Any pleading that requires a file stamp should be submitted as a lead document.
For example, you cannot file a Motion with an Order typed in at the bottom of the page. File the Motion and the Proposed Order as two separate lead documents.
11. Documents may not contain package PDF’s. PDF’s should not be embedded inside of another PDF. Documents should not contain embedded fonts. Bookmarks must be used to separate content appropriately.
For example, exhibits to pleadings are included in a single PDF but they must be bookmarked by exhibit.
12. Documents must contain complete page numbering for the entire filing. When including one or more appendices to a filing, either 1) number appendices individually and then number the entire document as a whole, or 2) number the entire document as a whole including appendices.
13. The document filename should contain only alphanumeric characters. No special characters are allowed. The length of the filename should be restricted to 50 characters.
14. No document may be filed that contains sensitive data as defined in Texas Rules of Civil Procedures Rule 21(c)

Civil eFiling Requirements

1. Civil Case Information Sheet is required. This should be filed as an attachment or separate document and not the first page of the pleading to ensure the pleading receives a file mark. You may file it as the last page of your document in DeWitt County.
2. If submitting a cover letter, please place it at the end of your document.
3. Any pleading that requires a file stamp should be submitted as a lead document.
4. Exhibits should be merged into the lead document for a single filing and bookmarked as an exhibit
5. Request for Service must be provided indicating who is to be served with citation(s). Request can be included within the original petition and/or motion, a cover letter or notated in the memo section of the e-Filing.
6. Proposed orders – use filing code “Proposed Order”. Proposed orders must be filed as a separate lead document. The file mark on the proposed order will be removed by the clerk and presented to the judge for review. Proposed Order can also be submitted as an attachment and the file mark will not appear.
7. Original Petitions and/or Motions needing hearing dates:
 - a. Submit original petition and/or motion
 - b. Hearing dates will be coordinated with County Judge’s Office (361-275-0916)
 - c. Bring hard copy of original order to hearing
8. Agreed Motions and Orders:
 - a. Submit motion and proposed order by e-file; documents must be filed as separate lead documents but may be included in the same envelope
 - b. All proposed orders **MUST** include the submitting attorney’s signature “approved as to form” or the matters will not be presented to the County Judge’s Office
 - c. Once approved by the County Judge, the order can be e-mailed to the submitter
9. Occupational Driver’s License:
 - a. Submit petition for occupational driver’s license with supporting documents (driving record, SR-22, employment affidavit) as exhibits and proposed order by e-file; documents must be filed as separate lead documents but may be included in the same envelope
 - b. Hearing date will be coordinated with County Judge’s Office (361-275-0916)

Probate eFiling Requirements

1. Civil Case Information Sheet is required. This should be filed as an attachment or separate document and not the first page of the pleading to ensure the pleading receives a file mark. You may file it as the last page of your document in DeWitt County.
2. If submitting a cover letter, please place it at the end of your document.
3. Any pleading that requires a file stamp should be submitted as a lead document.
4. Exhibits should be merged into the lead document for a single filing and bookmarked as an exhibit.
5. All new probates/guardianships filed after January 1, 2014 **MUST** properly reference the new Estates Code. Pleadings filed after January 1, 2014 in cases opened December 31, 2013 or before, **MUST** cross reference the Texas Probate Code section(s) with the new Estates Code section(s).
6. Application (**County Judge's Requirements**):
 - a. Spelling of decedent's name on the applications **MUST** match what is shown on the will.
 - b. Complete address of applicant, executor or administrator **MUST** appear on application.
 - c. Application for Letters of Administration without a Will **MUST** also seek a Determination of Heirship for the unknown heirs. This task can be completed as one application
 - d. Application for Letters of Testamentary whereas the executor named in the will is not the applicant -- application **MUST** indicate why the named person in the will is not seeking to be appointed
 - e. Application for Letters of Testamentary without the original will (only a copy) -- application **MUST** indicate why the original will is not being produce
7. Original or copy of wills **MUST** be e-filed at the time of e-filing the application for probate or administration. Original will **MUST** also be filed with the County Clerk no later than three (3) business days following the e-filing of **ANY** new application for probate or administration that includes a will. TRCP Rule 21(f)(12).
8. Request for Service must be provided indicating who is to be served with citation(s). Request can be included within original application, a cover letter or notated in the memo section of the e-filing.
9. Oaths – can be sworn to before a County Clerk Office employee or before a Notary Public and then brought into the clerk's office
10. Proposed orders approving inventories, annual accounts, annual reports, etc. – use filing code “Proposed Order”. Proposed orders must be filed as a separate lead document. The file mark on the proposed order will be removed by the clerk and presented to the judge for review. Proposed Order can also be submitted as an attachment and the file mark will not appear. Proposed order **MUST** include the submitting attorney's signature “approved as to form” or the matters will not be presented to Judge Fowler for approval.

Clerk's Reasons for Returning for Correction for a Filing

To ensure your documents are accepted when submitted through the e-file portal, we recommend you review this list for reasons a document may be returned.

Reason for Rejection:

Sealed Documents	Documents filed under seal or presented to court in camera cannot be e-filed.	TRCP 21(f)(4)
Vexatious Litigant	Filer has been found to be a vexatious litigant and has not presented an order from the local administrative judge permitting the filing.	CPRC § 11.103

Request for Correction

We may request a filer to correct an e-filed document for the following reasons:

Insufficient Fees	Fees submitted are insufficient. Please resubmit your filing with the correct case type/filing type.	TRCP 99(d) Govt Code §51.318(b)(7) & (8) Govt Code §51.317(a) Local Government Code §118.052;§118.121 or §118.131
Insufficient Funds	Credit Card was declined. Please resubmit with a valid method of payment.	TRCP 99(d) Govt Code §51.318(b)(7) & (8) Govt Code §51.317(a) Local Government Code §118.052;§118.121 or §118.131
Document Addressed to Wrong Clerk	The document is addressed to a court for which this clerk's office does not accept filings. Please correct or re-file with the appropriate clerk's office.	
Incorrect/Incomplete Information	Please resubmit using the correct <ul style="list-style-type: none"> <input type="checkbox"/> Cause Number <input type="checkbox"/> Case Type <input type="checkbox"/> Case Category <input type="checkbox"/> Filing Code <input type="checkbox"/> Party Names on document(s) <input type="checkbox"/> Attorney/Party email address(es) 	
Incorrect Formatting	Please resubmit the document <ul style="list-style-type: none"> <input type="checkbox"/> By rotating the document so that the file mark will appear in the upper right corner <input type="checkbox"/> In text searchable PDF <input type="checkbox"/> Directly converted to PDF if possible <input type="checkbox"/> With a 300dpi resolution <input type="checkbox"/> With a page size of 8.5"x11" <input type="checkbox"/> With no embedded fonts 	TRCP 21(f)(8)

PDF Documents	You have submitted multiple documents for filing in a single PDF. The file-mark will only appear on documents submitted as lead documents. Please file all lead documents as separate PDF documents.	
Illegible/Unreadable	Please resubmit in a format that is legible	
Sensitive Data	<p>Please resubmit in five (5) business days with all sensitive data redacted:</p> <ul style="list-style-type: none"> <input type="checkbox"/> DL, SSN, Passport Number, Tax ID Number, Government Issued ID Number <input type="checkbox"/> Bank Account Number, Credit Card Number, Financial Account Number <input type="checkbox"/> Birth Date, Home Address and name of any person who was a minor when the suit was filed 	<p>TRCP 21c(a-f) NOTE: Family Code §102.008 and §105.006 require identification of children by name and DOB</p>
Filer's Request	The filer requested that this filing be returned.	

Civil Case Categories and Filing Fees

You want to file:	Choose Category:	Choose Case Type	Base Charge	You must add if needed
Debt/Contract/ Suit on Debt	Civil - Contract	Debt/Contract – Debt/Contract	\$222.00	Citation Issuance and/or Service
Debt/Other Contract	Civil - Contract	Debt/Contract – Other	\$222.00	Citation Issuance and/or Service
Other Contract	Civil – Contract	Other Contract	\$222.00	Citation Issuance and/or Service
Writ of Garnishment	Civil - Other Civil	Garnishment	\$197.00 (includes writ)	Service
Other Civil	Civil – Other Civil	Other Civil	\$222.00	Citation Issuance and/or Service
Occupational Driver’s License	Civil – Related to Criminal Matters	Occupational Driver’s License	\$222.00	Certified Copies (Copies & Certificate)
Non-Disclosure	Civil – Related to Criminal Matters	Non-Disclosure	\$250.00 (includes certified copy for DPS)	
Other	Civil – Related to Criminal Matters	Other	\$222.00	Citation Issuance and/or Service

PLEASE NOTE:

1. Base charge for civil case categories listed above does not include citation issuance or service
2. Occupational Driver’s License Cases -- certified copy fee can be paid at the time that the copies are made by the clerk’s office

***** If you are unsure of the correct fees, please call the County Clerk’s office at 361-275-0864**

Civil Subsequent Filing Fees

Subsequent Filing	Filing Fee
Counter Claim/Cross Action/Interpleader/Intervention/Third Party/Contest/ Motion for Contempt, Motion for New Trial, Motion to Transfer	\$95.00 (Fee does not include any citation issuance or service)

Probate/Guardianship Case Categories and Filing Fees

You want to file:	Choose Category	Choose Case Type	Base Charge:	You must add if needed:
Letters of Testamentary/ Muniment of Title	Probate	Muniment of Title/Letters of Testamentary	\$263.00	
Dependent Administration	Probate	Dependent Administration	\$263.00	Citation Issuance & Service (Personal and/or Publication)
Dependent Administration & Determination of Heirship (If no will must file for both)	Probate	Dependent Administration	\$263.00	Citation Issuance & Service (Personal and/or Publication); Judges Signature for Order Appointing Attorney Ad Litem
Independent Administration	Probate	Independent Administration	\$263.00	Citation Issuance & Service (Personal and/or Publication)
Independent Administration & Determination of Heirship (If no will must file for both)	Probate	Independent Administration	\$263.00	Citation Issuance & Service (Personal and/or Publication); Judges Signature for Order Appointing Attorney Ad Litem
Determination of Heirship	Probate	Other Estate Proceedings	\$263.00	Citation Issuance & Service (Personal, and/or Publication); Judges Signature for Order Appointing Attorney Ad Litem
Small Estates	Probate	Small Estate Proceedings	\$249.00	
Foreign Will (No Letters Issued; Recording Purposes Only)	Probate	Foreign Will	\$247.00	
Foreign Will – Issuance of Letters Testamentary	Probate	Foreign Will	\$247.00 (Does not include posted citation)	Citation Issuance & Service; Judge's Order

You want to file:	Choose Category	Choose Case Type	Base Charge:	You must add if needed:
Guardianship - Adult (Person and/or Estate)	Probate Guardianship	Guardianship Adult	\$263.00	Citation Issuance; Service (Personal) & Judges Signature for Order Appointing Attorney Ad Litem
Guardianship – Minor (Person and/or Estate)	Probate Guardianship	Guardianship Minor	\$263.00	Citation Issuance; Service (Personal) & Judges Signature for Order Appointing Attorney Ad Litem
Guardianship Management Trust	Probate Guardianship	Guardianship Management Trust	\$249.00 (Does not include any citation)	Citation Issuance; Service & Judges Signature for Order Appointing Attorney Ad Litem
Sale of Property of a Minor w/out Guardianship	Probate Guardianship	Sale of Property	\$263.00	Citation Issuance & Service (Personal and/or Publication)
Temporary Guardianship Adult or Minor	Probate	Other Probate	\$249.00 (Does not include any citation)	Citation Issuance & Service & Judges Signature for Order Appointing Attorney Ad Litem
Temporary Administration	Probate	Other Probate	\$249.00 (Does not include any citation)	Citation Issuance & Service & Judges Signature for Order Appointing Attorney Ad Litem

PLEASE NOTE:

1. All Letters of Testamentary, Letters of Administration; Letters of Guardianship; Certificates of Guardianship; Certificates of Temporary Administration **will have** to be purchased at the time the service is provided by the clerk's office.
2. Most base charges for probate/guardianship cases includes the citation and posting fee if required by law

*****If you are unsure of the correct fees, please call the County Clerk's office at 361-275-0864**

Probate/Guardianship Subsequent Filing Fees

Subsequent Filing	Filing Fee	Fee includes
Annual Account	\$ 27.00	Proposed Order
Annual Report	\$ 12.00	Proposed Order
Application on Sale of Personal Property	\$ 41.00	Citation Issuance & Service; Proposed Order
Application on Sale of Real Property	\$ 41.00	Citation Issuance & Service; Proposed Order
Counter Claim/ Cross Action/ Interpleader/ Intervention/ Third Party/ Contest	\$115.00 (Fee does not include any citation issuance, service or proposed order)	
Final Account	\$ 41.00	Citation Issuance & Service; Proposed Order
Final Report	\$ 12.00	Proposed Order
Inventory (filed after the 90 th day after qualification date)	\$ 27.00	Proposed Order

*****If you are unsure of the correct fees, please call the County Clerk's office at
361-275-0864**

Issuance and County Service Request (Citations etc.)

Personal Service in Civil Cases:

Service document must be attached to the issuance, payment for copies of the document must be provided through the e-filing system or the issuance could be placed on hold until a **file marked** copy of the service document is brought in or mailed in to the County Clerk's office.

Personal Service in Probate/Guardianship Cases:

Service document must be attached to the issuance; payment for copies of the document must be provided through the e-filing system, or the issuance could be placed on hold until a **file marked** copy of the service document is brought in or mailed in to the County Clerk's office

Submitting Original Returns on Citations etc.:

If a detached affidavit is submitted with the return, **the original return must be the lead document** with the entire case information "cause number and style" enclosed in the affidavit.

Any questions regarding the citation, copies of the document and service of the citation should be directed to the County Clerk's Office at 361-275-0864.