

FREQUENTLY ASKED QUESTIONS REGARDING E-FILING

EMERGENCY ACTIONS

Must emergency actions such as applications for temporary administration, temporary guardianship, and temporary restraining orders be filed electronically?

Pleadings seeking emergency relief can be filed in person until July 2015. This will enable you to walk such emergency action directly for immediate consideration. If you wish to file your temporary action remotely, please call the clerk's office to alert them to the fact that such emergency action has been filed and let them know when you plan to arrive so that such pleadings may be printed.

PROBATE ADMINISTRATIONS

How and/or when should the original will be filed?

The original will should be filed with the Walker County Clerk within three business days of the electronic filing of the application for such will's probate. The probate courts will not allow you to schedule a hearing on the application to probate the will until the original has been submitted.

With regard to an application to probate a lost will or will not produce in court, must a physical copy of will be filed with the clerk?

Yes. If an application to probate a lost will or a will not produce in court is being electronically filed along with a copy of such lost will, the document which will ultimately be proved up and establish the contents of such lost will (usually a copy of the original will, a conformed copy of such will, or even a copy of a spouse's reciprocal will) must be filed with Walker County Clerk within three business days of the electronic filing of the application for probate of a lost will or will not produce in court.

Should the electronically filed application to probate a will be accompanied by a copy of the original will?

Yes. The application to probate a will cannot be posted unless a copy of the will is filed with the application. In addition, the clerk will use the electronically filed copy of the will to confirm that the subsequently filed original will belongs with the filed application. However, an application to probate a will which is not accompanied by a copy of the will should not be rejected by the clerk.

When will the Walker County Clerk Post the Application for Probate of Will?

The clerk will post the application to probate the will when the application is filed so long as such application is accompanied by a copy of the will. If the application to probate will is not accompanied by a copy of the will, such application will not be posted until the original will is subsequently filed.

When and how should waivers, renunciations, consents, designations of resident agents be filed if not filed with the original application for probate?

These documents shall be filed with the clerk no later than three days before the scheduled hearing date. Otherwise, such documents may be filed with the judge at the hearing. The original documents should be maintained in the attorney's file and available to be produced upon request.

When and how should the oath be signed?

The oath may be signed on the date of the hearing after the appointment of the applicant. If the oath must be filed after the hearing, such oath may be electronically filed. The original oath should be maintained in the attorney's file and available to be produced upon request.

May a document be electronically filed without a signature so long as it contains the name of the signatory along with "/S/" on the signature line?

If the document is notarized or sworn, it is considered filed only if it contains an electronic image or scanned image of the signatory's signature. Otherwise, it is considered filed if it contains the name of the signatory along with "/S/" placed on the signature line.

Who must file pleadings electronically?

Attorneys must file pleadings electronically. Unrepresented persons may file pleadings electronically with the clerk or via the traditional method.

GUARDIANSHIP

Will the court continue to accept certain documents related to guardianship using the traditional methods?

Yes, the courts will continue to accept the following documents, as such documents are not required to be filed electronically: guardianship referral letters, APS reports, and annual reports on the wellbeing of incapacitated persons.

UNCONTESTED PROBATE HEARINGS

How does electronic filing affect the attorney's presentation at a hearing on uncontested probate matters?

It should not. The following original documents shall be presented on the date of the hearing in an uncontested probate matter to the judge: Order Probating Will or Appointing Administrator, Proof of Death and Other Facts, Judgment Declaring Heirship, Statement of Facts, Renunciation of Right to Letters Testamentary, Designation of Resident Agent, Waiver of Right to Service of Citation, and Consent to Appointment or Independent Administration. Of course, you may continue to e-file such documents, and we encourage you to do so; but, please be prepared to present the original on the date of the hearing.

BONDS, CITATIONS, AND SUBPOENAS.

How should bonds, citations, and subpoenas be presented to the clerk?

All original bonds, citations, and subpoenas must be filed with the Walker County Clerk.

ACCOUNTINGS

How should accountings in probate and guardianship matters be filed?

Annual and Final Accountings in guardianship and estate matters must be electronically filed, scrubbed of all sensitive data (see page 6 of TRCP 21c), save and except the last three digits of account numbers. All pertinent financial statements check copies, or other backup documentation supporting an annual or final accounting shall be attached to the accounting and filed with the Walker County Clerk, with sensitive data redacted as described above. Accountings with schedules or exhibits referenced in the body of the accounting and redacted per TRCP 21c shall be accepted by the Walker County Clerk.

ELECTRONIC FILING GENERALLY

How does electronic filing work?

Attorneys select an electronic filing service provider (a list of providers is set out herein). They log on to the provider's website, set up an account, and follow instructions regarding how to upload documents for delivery to the court clerk. The service provider checks submissions for completeness and calculates fees and court costs. The service provider then delivers the documents to the county clerk, where they are processed and accepted or rejected. Accepted documents are marked with an electronic timestamp and the filer is notified of the document's acceptance.

May I electronically file documents in the clerk's office?

This option is in the works. The Walker County Clerk's office will have a "kiosk" available in room 201. You will be able to scan and electronically file documents.

Do I have to use an Electronic Filing Service Provider (EFSP)?

Who are the electronic filing service providers and how should I compare them?

Yes, but you may file directly through TexFile. One of the other EFSP's may offer additional services which might interest you. The following service providers offer filing services. You may compare services by visiting the following link: <http://www.efiletexas.gov/service-providers.htm>.

Do I have to e-file?

For the Walker County Clerk's office – until July 2015 it is not mandatory. We are accepting filings now to allow us to work out all problems prior to the above date. Once July 2015 comes, it will be Yes, with very limited exceptions. E-filing is mandated for almost all documents filed by attorneys. Exceptions will be listed in the Supreme Court rules, which are not yet finalized.

When I try to file a document, an error message states that the docket number cannot be located but it gives me the option to file anyway. Should I proceed with the filing?

Yes. At this point, the clerk's database is still in the works on synchronized information with the document filing portal. So, when the document is electronically filed, the clerk will assign a cause number. This issue is being addressed by the database developer and will be resolved.

What if I am filing a case with an Affidavit of Indigence, or I have been court appointed to represent a litigant? How are the fees handled?

You will have a "waiver" option for those instances where you are not required to make a payment. (Please check with your EFSP provider to verify they provide the "waiver" option.)

May I include more than one document for filing per submission?

Yes. TexFile will allow multiple documents with the SAME case number to be filed in one submission.

My document has two cause numbers listed. Do I need to submit the document twice?

Yes. Once for each cause number listed on the document.

There is not a "filing code" which fits my document title exactly. What do I choose?

Choose selection closest to the filing document title.

When filing a motion and an order electronically, should both be filed as one document?

The motion and order should be filed as one document or the order may be filed as an attachment to the motion. This will help keep the register of actions streamlined so the same order does not appear multiple times.

What if my Sensitive Data is required by Statute to be included?

View a listing of data required to be redacted according to [Rule 21c \(a\) - \(page 6\)](#). If e-filed, select the Filing Code "Sensitive Data Document". Upon acceptance, the clerk will change the Filing Code to the appropriate code and redact the Sensitive Data prior to making the document public.

What if I am filing a case with an Affidavit of Indigence? How are the fees handled?

You will choose the payment selection as provided by your EFSP for exempt filing fees (ex. Waiver). If a completed Affidavit of Indigence is not included, the filing will be returned for correction.

How do I submit an order that needs to be signed?

When submitting an order that needs to be signed along with a motion etc., this must be an attachment to the lead document. In the description field of the attached document the description must be "proposed order". The motion etc. and proposed order must be separate images. An unsigned order that needs to be submitted to the court for approval not accompanied by a motion etc., would need to be submitted as a lead document with the filing code of "Proposed Order".

My motion needs the hearing date and time entered. How is that completed?

It will not be. When accepted, your document is entered directly into the Case Management System and may not be altered. Your Notice of Hearing will need to be a separate document, submitted as a proposed order. See above "How do I submit an order that needs to be signed?"

How do I pay a jury fee?

The jury fee is located under Optional Services.

How do I file a document with an existing case number (ex. Motion to Modify, Original Answer, and Amended Petition)?

Do not click on NEW CASE. You will need to select Walker County - County Clerk and enter your case number. Then press Go. If you do not have a case number select Advanced Search to locate the case you are looking for.

What if I need service by a Walker County Constable?

While you are filing the pleading requiring service, add "Service by Sheriff/Constable \$100.00" under Optional Services and then enter the desired quantity (Each item is charged ie: if you have a citation and a precept, the fee is \$200.00)

What is the "Service" tab used for?

This tab is not to be used for personal process service. This tab is used to e-mail service notice to an attorney that is registered to receive electronic service as required by TRCP 21(a).

How do I remit a copy of the Petition/Document that is required to be attached to the process [ex. issuance of citation(s)]?

Significantly, the responsibility to get the citation and a copy of the petition served on the defendant belongs to the plaintiff. As noted in TRCP 99(a), "the party requesting citation shall be responsible for obtaining service of the citation and a copy of the petition." The clerk's only responsibility is to "issue a citation and deliver the citation as directed by the requesting party." See TRCP 99(a).