

## CLERK'S ROLE IN THE GUARDIANSHIP REGISTRATION

(excerpt from JBCC clerk's best practice suggestions)

1. Establish a process to maintain a record of all guardianships registered with the JBCC upon notification from the JBCC of their registration.
2. Provide written notice of the guardianship registration requirement to each person who applies for or seeks appointment as a guardian and to each attorney who files an application to create a guardianship per JBCC Rule 10.2 (a).
3. Respond to the JBCC guardianship registration staff with requests for clarification, correction, or completion of guardianship information in relation to JBCC Rule 10.2 (b).
4. Provide written notice and direction to proposed guardians to instruct the proposed guardians on completing the training and criminal history background check required by GCT §155.204 & 155.205 per JBCC Rule 10.2 (c).
5. Make notice to the JBCC that a proposed guardian has been appointed by the court and the date of qualification per 10.6 (a) and in relation to JBCC Rule 10.2 (d).
6. Notify the JBCC of the dismissal, denial, or non-suit of a guardianship application within 10 days of the dismissal, denial, or non-suit; and if the guardian is not appointed or qualified as a guardian for any other reason within 10 days of the date it becomes apparent that the person will not be guardian per JBCC Rule 10.6 (c).
7. Send notice of the removal or termination of a guardian to the JBCC per JBCC Rule 10.6 (d) & GCT §155.151 (B).
8. Notify the JBCC of a transfer to another venue or jurisdiction within 10 days of receipt of confirmation that the receiving court has accepted the guardianship per JBCC Rule 10.6 (e)

Rebecca Doolittle  
Guardianship Compliance Specialist  
Guardianship Compliance Project  
Office of Court Administration  
(512) 645-9128  
[Rebecca.Doolittle@txcourts.gov](mailto:Rebecca.Doolittle@txcourts.gov)  
[www.txcourts.gov/](http://www.txcourts.gov/)

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EXHIBIT B

ELECTION CODE

TITLE 2. VOTER QUALIFICATIONS AND REGISTRATION

CHAPTER 16. CANCELLATION OF REGISTRATION

SUBCHAPTER A. OFFICIAL NOTICE TO REGISTRAR

Sec. 16.001. DEATH. (a) Each month the local registrar of deaths shall prepare an abstract of each death certificate issued in the month for a decedent 18 years of age or older who was a resident of the state at the time of death. The local registrar of deaths shall file each abstract with the voter registrar of the decedent's county of residence and the secretary of state not later than the 10th day of the month following the month in which the abstract is prepared.

(b) Each month the clerk of each court having probate jurisdiction shall prepare an abstract of each application for probate of a will, administration of a decedent's estate, or determination of heirship, and each affidavit under Chapter 205, Estates Code, that is filed in the month with a court served by the clerk. The clerk shall file each abstract with the voter registrar and the secretary of state not later than the 10th day of the month following the month in which the abstract is prepared.

**ABSTRACT OF DEATH  
CERTIFICATE TO  
SECRETARY OF STATE  
(TXEVER)**

**GO TO DEATH**

CLICK ON TOOLS

CLICK ON EXTRACT

CLICK ON VOTER ABSTRACT EXTRACT

SELECT MONTH/YEAR

CLICK GENERATE

EXTRACT GENERATED SUCCESSFULLY CLICK OK

CLICK ON TOOLS

CLICK ON UTILITIES

CLICK ON VOTER ABSTRACT FILE DOWNLOADER

CLICK ON DOWNLOAD AND OPEN FILE

SAVE TO DESKTOP AND/OR FOLDER

YOU WILL NEED TO CONTACT TEAMS TO GET A SPECIAL USER ID AND PASSWORD. <https://teamrv-production.sos.texas.gov/ElectioNet/login.do> ONCE YOU LOG IN YOU WILL SELECT YOUR COUNTY, THEN SELECT BROWSE AND LOCATE THE FILE ON YOUR DESKTOP YOU NEED TO IMPORT TO TEAMS. THEN CLICK UPLOAD.

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# ABSTRACT OF PROBATE TO SECRETARY OF STATE (OCA REPORT)

COMPLETE YOUR MONTHLY OCA REPORT AND  
SAVE.

LOG IN TO TEAMS

<https://teamrv-production.sos.texas.gov/ElectioNet/login.do>

GO TO ACTIVITIES

GO TO COUNTY DATE WEBSITE

GO TO FILE UPLOAD

SELECT LRD VITAL FROM DROP DOWN MENU

GO TO BROWSE

GO TO ADDRESS BAR AND TYPE IN YOUR IP ADDRESS  
FOR OCA (SAMPLE \\000.00.0.0\HOME) AND HIT ENTER.  
SCROLL THROUGH FOLDERS UNTIL YOU FIND SOS  
FOLDER, OPEN AND LOCATE CURRENT REPORT  
IMPORT IN TEAMS AND UPLOAD.

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EXHIBIT E

ELECTION CODE

Sec. 16.002. MENTAL INCAPACITY. (a) Each month the clerk of each court having proper jurisdiction to adjudge a person mentally incapacitated shall prepare an abstract of each final judgment of a court served by the clerk, occurring in the month:

- (1) adjudging a person 18 years of age or older who is a resident of the state to be:
  - (A) totally mentally incapacitated; or
  - (B) partially mentally incapacitated without the right to vote;
- (2) adjudging the mental capacity of a person 18 years of age or older who is a resident of this state to be completely restored; or
- (3) modifying the guardianship of a person 18 years of age or older to include the right to vote.

(b) The clerk shall file each abstract with the voter registrar of the person's county of residence not later than the 10th day of the month following the month in which the abstract is prepared.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 614 (H.B. 417), Sec. 25, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 614 (H.B. 417), Sec. 26, eff. September 1, 2007.

**ABSTRACT OF FINAL JUDGMENT OF MENTAL INCAPACITY**

I, the undersigned, being the clerk of the county or probate court of \_\_\_\_\_ County,  
do hereby certify that the following person is of legal voting age and a resident within this State.

I do hereby certify that he/she has been adjudged mentally incapacitated or partially  
incapacitated without the right to vote, in \_\_\_\_\_,  
(name of court)

docket number \_\_\_\_\_ on \_\_\_\_\_  
(date of adjudgment)

Name of person \_\_\_\_\_

Permanent residence address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Birthdate \_\_\_\_\_ Sex \_\_\_\_\_

Social Security Number (if available) \_\_\_\_\_

Supplemental identification: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk

Seal

\_\_\_\_\_  
Date

Not later than the 10<sup>th</sup> day of each month, the clerk of each county or probate court in this State shall furnish to the registrar of voters of the county of residence of the person so adjudged, an abstract of each final judgment adjudging the person over the minimum voting age and resident within this State to be mentally incapacitated or partially incapacitated without the right to vote.

Added by Acts 2011, 82nd Leg., R.S., Ch. 823 (H.B. 2759), Sec. 1.02, eff. January 1, 2014.

SUBCHAPTER D. COURT ACTION

**Sec. 1101.151.** ORDER APPOINTING GUARDIAN WITH FULL AUTHORITY.

(a) If it is found that the proposed ward is totally without capacity to care for himself or herself, manage his or her property, operate a motor vehicle, make personal decisions regarding residence, and vote in a public election, the court may appoint a guardian of the proposed ward's person or estate, or both, with full authority over the incapacitated person except as provided by law.

(b) An order appointing a guardian under this section must contain findings of fact and specify:

(1) the information required by Section 1101.153(a);

(2) that the guardian has full authority over the incapacitated person;

(3) if necessary, the amount of funds from the corpus of the person's estate the court will allow the guardian to spend for the education and maintenance of the person under Subchapter A, Chapter 1156;

(4) whether the person is totally incapacitated because of a mental condition;

(5) that the person does not have the capacity to operate a motor vehicle, make personal decisions regarding residence, and vote in a public election; and

(6) if it is a guardianship of the person of the ward or of both the person and the estate of the ward, the rights of the guardian with respect to the person as specified in Section 1151.051

(c) (1).

(c) An order appointing a guardian under this section that includes the rights of the guardian with respect to the person as specified in Section 1151.051(c) (1) must also contain the following prominently displayed statement in boldfaced type, in capital letters, or underlined:

"NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE RIGHT OF A GUARDIAN OF THE PERSON OF A WARD TO HAVE PHYSICAL POSSESSION OF THE WARD OR TO ESTABLISH THE

WARD'S LEGAL DOMICILE AS SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CIVIL OR OTHER CLAIM REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THIS ORDER THAT RELATE TO THE ABOVE-MENTIONED RIGHTS OF THE COURT-APPOINTED GUARDIAN OF THE PERSON OF THE WARD. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000."

Added by Acts 2011, 82nd Leg., R.S., Ch. 823 (H.B. 2759), Sec. 1.02, eff. January 1, 2014.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 982 (H.B. 2080), Sec. 9, eff. January 1, 2014.

Acts 2015, 84th Leg., R.S., Ch. 214 (H.B. 39), Sec. 10, eff. September 1, 2015.

**Sec. 1101.152.** ORDER APPOINTING GUARDIAN WITH LIMITED

AUTHORITY. (a) If it is found that the proposed ward lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself or to manage his or her property with or without supports and services, the court may appoint a guardian with limited powers and permit the proposed ward to care for himself or herself, including making personal decisions regarding residence, or to manage his or her property commensurate with the proposed ward's ability.

(b) An order appointing a guardian under this section must contain findings of fact and specify:

(1) the information required by Section 1101.153(a);

(2) the specific powers, limitations, or duties of the guardian with respect to the person's care or the management of the person's property by the guardian;

(2-a) the specific rights and powers retained by the person:

(A) with the necessity for supports and services; and

(B) without the necessity for supports and services;



OFFICE OF COURT ADMINISTRATION  
TEXAS JUDICIAL COUNCIL



OFFICIAL CONSTITUTIONAL COUNTY COURT MONTHLY REPORT

FOR THE MONTH OF \_\_\_\_\_

COUNTY \_\_\_\_\_

COUNTY CLERK \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ TEXAS \_\_\_\_\_

E-MAIL \_\_\_\_\_ ZIP \_\_\_\_\_

FAX NUMBER \_\_\_\_\_

PLEASE CHECK ALL STATEMENTS BELOW THAT APPLY:

\_\_\_\_\_ THE CONSTITUTIONAL COUNTY COURT DOES NOT EXERCISE CRIMINAL JURISDICTION.

\_\_\_\_\_ THE CONSTITUTIONAL COUNTY COURT DOES NOT EXERCISE CIVIL JURISDICTION.

\_\_\_\_\_ THE CONSTITUTIONAL COUNTY COURT DOES NOT EXERCISE JUVENILE JURISDICTION.

\_\_\_\_\_ THE CONSTITUTIONAL COUNTY COURT DOES NOT EXERCISE PROBATE & MENTAL HEALTH JURISDICTION.

PLEASE RETURN THIS FORM NO LATER THAN 20 DAYS  
FOLLOWING THE END OF THE MONTH REPORTED TO:

OFFICE OF COURT ADMINISTRATION

P.O. Box 12066  
AUSTIN, TEXAS 78711  
512/463-1625  
FAX: 512/936-2423

Revised 09/01/2017

EXHIBIT H

THE ATTACHED REPORT IS A TRUE AND ACCURATE REFLECTION OF  
THE RECORDS OF THE COURTS OF THIS COUNTY.

PREPARED BY \_\_\_\_\_

DATE \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
A.C. \_\_\_\_\_ PHONE \_\_\_\_\_

**PROBATE AND GUARDIANSHIP SECTION**

IF NO COURT ACTIVITY FOR THE MONTH, CHECK THIS BOX:

CASES ON DOCKET	DECEDENTS' ESTATES			GUARDIANSHIPS		ALL OTHER	TOTAL
	INDEPENDENT ADMINISTRATION	DEPENDENT ADMINISTRATION	ALL OTHER ESTATE PROCEEDINGS	MINOR	ADULT		
1. NEW CASES, APPLICATIONS OR WILL/GUARDIANSHIP CONTESTS FILED							
2. OTHER CASES ADDED							
a. Ancillary Cases							
b. All Other Matters							
3. INVENTORIES FILED							
4. GUARDIANSHIP OF PERSON REPORTS FILED							
5. ANNUAL OR FINAL ACCOUNTS FILED							
<b>ADDITIONAL INFORMATION</b>							
6. GUARDIANSHIPS	<b>TOTAL</b>			<b>TOTAL</b>		<b>TOTAL</b>	
a. Dismissed or Denied						7. CHAPT. 1102 INVESTIGATIONS	
b. Granted						8. CHAPT. 48 REMOVALS	
						9. HEARINGS HELD	
						10. CASES IN WHICH PLAINTIFF/PETITIONER REPRESENTED SELF	

**MENTAL HEALTH SECTION**

IF NO COURT ACTIVITY FOR THE MONTH, PLEASE CHECK THIS BOX:

	TEMPORARY MENTAL HEALTH SERVICES	EXTENDED MENTAL HEALTH SERVICES	MODIFICATION:		OR DECTO AUTHORIZE PSYCHOACTIVE MEDICATIONS
			INPATIENT TO OUTPATIENT	OUTPATIENT TO INPATIENT	
Intake	1. NEW APPLICATIONS FILED				7. NEW APPLICATIONS FILED
	2. ORDERS FOR PROTECTIVE CUSTODY SIGNED				
Hearings	3. PROBABLE CAUSE HEARINGS HELD				
	4. RELEASE/DISMISSAL PRIOR TO FINAL HEARING				8. DISMISSAL PRIOR TO HEARING
	5. FINAL COMMITMENT HEARINGS HELD				9. HEARINGS HELD
Other Information	6. DISPOSITION AT FINAL HEARING				10. DISPOSITION AT HEARING
	a. DENIED (RELEASE)				a. DENIED
	b. GRANTED (COMMIT)				b. GRANTED
	INPATIENT				
	OUTPATIENT				

P010 NEW CASES FILED

CASE#	DEFENDANT	CAUSE DESCRIPTION	FILED	CODE	DISPOSED	CODE
PR-09527	HELEN ETHEL ROBERTSON	P013 PROBATE - MUNIMENT OF TITLE	03/18/2019	P010		
PR-09526	JUSTIN MICHAEL METHVIN	P022 GUARDIANSHIPS - ADULT	03/07/2019	P010		

P001 INVENTORIES FILED

CASE#	DEFENDANT	CAUSE DESCRIPTION	FILED	CODE	DISPOSED	CODE
PR-09469	LAMMY J SITTIG SR	PROBATE - LETTERS TESTAMENTARY	03/06/2019			
PR-09333	JOYCE ANN GRISSOM	PROBATE - LETTERS TESTAMENTARY	03/21/2019			

PROS

CASE#	DEFENDANT	CAUSE DESCRIPTION	FILED	CODE	DISPOSED	CODE
PR-09528	GVANSTA MERCER	P012 PROBATE - LETTERS ADMINISTRATION	03/18/2019	P010		
PR-09527	HELEN ETHEL ROBERTSON	P013 PROBATE - MUNIMENT OF TITLE	03/18/2019	P010		
PR-09526	JUSTIN MICHAEL METHVIN	P022 GUARDIANSHIPS - ADULT	03/07/2019	P010		

P022 GUARDIANSHIPS - ACTIVE

CASE#	DEFENDANT	CAUSE DESCRIPTION	FILED	CODE	DISPOSED	CODE
PR-08529	JAKE DYLAN WINKLE	P021 GUARDIANSHIP		P010		
PR-09034	RAYMOND LEWIS RIGSBY JR	P021 GUARDIANSHIP - MINOR		P010		
PR-09223	JOHNSE KINGSTON LEE CREEKMOR	P021 GUARDIANSHIP - MINOR		P010		
PR-09264	LAURA K DAVIS	P021 GUARDIANSHIP - MINOR		P010		
PR-06575	GEORGE ELVIN DAVIS JR	P022 GUARDIANSHIP		P010		
PR-07750	EVA JACKSON	P022 GUARDIANSHIP - ADULT		P010		
PR-07829	CLARA ELIZABETH WILSON	P022 GUARDIANSHIP - ADULT		P010		
PR-07912	BRENT GRIFFIN BLANCHETTE	P022 GUARDIANSHIP - ADULT		P010		
PR-08133	TRAVIS LYNN WALKER	P022 GUARDIANSHIP - ADULT		P010		
PR-08217	RHETT ALAN PARKER	P022 GUARDIANSHIP - ADULT		P010		
PR-08364	RANDALL LOUIS FREDIEU	P022 GUARDIANSHIP - ADULT		P010		
PR-08590	JUSTON SMITH	P022 GUARDIANSHIP		P010		
PR-08729	CODY SPELLS	P022 PROBATE - GUARDIANSHIP		P010		
PR-08806	SHERRON FLORINE RAY	P022 GUARDIANSHIP		P010		
PR-08892	JOHN ALEXANDER NATION II	P022 GUARDIANSHIP - ADULT		P010		
PR-08905	FRANKIE KYLES	P022 GUARDIANSHIP - ADULT		P010		
PR-09143	JOYCE FAY HANKINS	P022 GUARDIANSHIP - ADULT		P010		
PR-09155	GEORGE BAGGETT	P022 PROBATE - GUARDIANSHIP		P010		
PR-09183	ADAM JOSEPH WHITENER	P022 PROBATE - GUARDIANSHIP		P010		
PR-09184	JESSE ALLEN WHITENER	P022 PROBATE - GUARDIANSHIP		P010		
PR-09224	BRENDAN PATRICK WYVILL	P022 GUARDIANSHIP - ADULT		P010		
PR-09243	DARWIN RAY HANKS	P022 GUARDIANSHIP - ADULT		P010		
PR-09257	CADE DWAIN COLEMAN	P022 GUARDIANSHIP - ADULT		P010		
PR-09342	BOBBIE JEAN WHITFIELD	P022 GUARDIANSHIP - ADULT TEMPORARY		P010		
PR-09441	CRAIG BOAZ FORTENBERRY	P022 GUARDIANSHIPS- ADULT		P010		
PR-08033	ALTER FRANKLIN SPITTLER	P022 GUARDIANSHIP		P010		

P201 GUARDIANSHIP/PROBATE HEARINGS HELD

CASE#	DEFENDANT	CAUSE DESCRIPTION	FILED	CODE	DISPOSED	CODE
PR-08921	NARRIE A TRAVIS JR	PROBATE - LETTERS ADMINISTRATION	03/20/2019	P201		
PR-09434	JAY ANTHONY BENTON	PROBATE - LETTERS ADMINISTRATION	03/20/2019	P201		
PR-09478	CYNTHIA LYNNE DISTEFANO	PROBATE - LETTERS TESTAMENTARY	03/20/2019	P201		
PR-09509	BARBARA ANN HUTTO	PROBATE - LETTERS ADMINISTRATION	03/20/2019	P201		
PR-09510	JOE OLIVER GOODE	PROBATE - LETTERS TESTAMENTARY	03/20/2019	P201		
PR-09512	TOMMY MARSHALL MCKEAN	PROBATE - LETTERS TESTAMENTARY	03/20/2019	P201		
PR-09515	R V WHISENANT	PROBATE - MUNIMENT OF TITLE	03/20/2019	P201		
PR-09521	RACHEL B POPE	PROBATE - MUNIMENT OF TITLE	03/20/2019	P201		
PR-09522	MARILYN JEAN PLOTZKI	PROBATE - LETTERS TESTAMENTARY	03/20/2019	P201		
PR-09523	HARRIET LOUCILLE SHIELDS AKA	PROBATE - MUNIMENT OF TITLE	03/20/2019	P201		
PR-09524	BRITTON HUTTO	PROBATE - MUNIMENT OF TITLE	03/20/2019	P201		

M011 NEW APPS - TEMP MENTAL HEALTH SERV

CASE#	DEFENDANT	CAUSE DESCRIPTION	FILED	CODE	DISPOSED	CODE
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Sec. 411.0521. REPORT TO DEPARTMENT CONCERNING CERTAIN PERSONS' ACCESS TO FIREARMS. (a) The clerk of the court shall prepare and forward to the department the information described by Subsection (b) not later than the 30th day after the date the court:

(1) orders a person to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(2) acquits a person in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person is ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(3) commits a person determined to have mental retardation for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

→ (4) appoints a guardian of the incapacitated adult individual under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage the person's affairs;

(5) determines a person is incompetent to stand trial under Chapter 46B, Code of Criminal Procedure; or

(6) finds a person is entitled to relief from disabilities under Section 574.088, Health and Safety Code.

(b) The clerk of the court shall prepare and forward the following information under Subsection (a):

(1) the complete name, race, and sex of the person;

(2) any known identifying number of the person, including social security number, driver's license number, or state identification number;

(3) the person's date of birth; and

(4) the federal prohibited person information that is the basis of the report required by this section.

(c) If practicable, the clerk of the court shall forward to the department the information described by Subsection (b) in an electronic format prescribed by the department.

(d) If an order previously reported to the department under Subsection (a) is reversed by order of any court, the clerk shall notify the department of the reversal not later than 30 days after the clerk receives the mandate from the appellate court.

(e) The duty of a clerk to prepare and forward information under this section is not affected by:

(1) any subsequent appeal of the court order;

(2) any subsequent modification of the court order; or

(3) the expiration of the court order.



EXHIBIT J

JUDICIAL BRANCH CERTIFICATION COMMISSION

CHAIR  
THE HONORABLE LEE HAMILTON

CERTIFICATION DIVISION DIRECTOR  
JEFFERY L. RINARD

January 3, 2019

Re: Annual Report to Judicial Branch Certification Commission – Calendar Year 2018  
Due January 31, 2019

Dear County Clerk:

County clerks are required to report information only on private professional guardians to the Judicial Branch Certification Commission (JBCC). Reporting requirements are the same as last year. No information is reported on guardianship programs as of September 1, 2009. No information on the Health & Human Services Commission Office of Guardianship (formerly known as DADS Guardianship Program) is reported as of September 1, 2007. In addition, county clerks are no longer required to submit information on private professional guardians to the Health and Human Services Commission.

To assist you in determining if an entity is a local guardianship program, as opposed to a private professional guardian, a list of local programs is posted on the JBCC website. A summary of current reporting requirements is also available on the website located at:

<http://www.txcourts.gov/jbcc/guardianship-certification/#AnnualReportingRegs>

Texas Estates Code § 1104.306 [formerly Probate Code § 697(e)] requires the clerk to submit the names and business addresses of all registered private professional guardians to the JBCC no later than January 31 for the preceding calendar year. Information regarding annual registration by private professional guardians is found in Texas Estates Code § 1104.302-304 [formerly Probate Code § 697(a) - (c)].

You may download forms from the website to use to provide the required information. If there are no private professional guardians registered in your county, please indicate that on the form. Please submit the required information to my attention at the e-mail address or post office box address shown on the form; e-mail submission is preferred.

If you have any questions or need assistance, please contact us at [jbcc@txcourts.gov](mailto:jbcc@txcourts.gov) or at 512/475-4368.

Michele L. Henricks  
JBCC Compliance Manager  
Certification Division  
Office of Court Administration

OFFICE OF COURT ADMINISTRATION • CERTIFICATION DIVISION  
205 WEST 14<sup>TH</sup> STREET, SUITE 600 • TOM C. CLARK BUILDING • (512) 475-4368 • FAX (512) 463-1117  
P. O. BOX 12066, CAPITOL STATION • AUSTIN, TEXAS 78711-2066  
<http://www.txcourts.gov/jbcc>



### Judicial Branch Certification Commission

Private Professional Guardians Registered with the County  
Clerk January 1 through December 31, 2018

County Clerk  
Reporting Form

1. County Name:	2. Name of person completing this form:	3. Title:	4. Phone:
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Texas Estates Code § 1104.306 [formerly Probate Code § 697(e)]:  
 Not later than January 31 of each year, the clerk shall submit to the Judicial Branch Certification Commission the names and business addresses of private professional guardians who have satisfied the registration requirements under this section during the previous year.

If no private professional guardians registered in your county for calendar year 2018, please check here  and submit the form as instructed below.

Please provide the following information:

5. Name	6. Business Name (if applicable)	7. Address (Street, City, State, ZIP)

Please return this form no later than January 31, 2019 to:  
 (E-mail submissions are preferred.)  
 Michele Henricks  
 Compliance Manager, Certification Division  
 Office of Court Administration  
 E-mail: [JBCCL@txcourts.gov](mailto:JBCCL@txcourts.gov) or by mail: P.O. Box 12066  
 Austin TX 78711-2066

EXHIBIT L

ESTATES CODE

Sec. 1355.052. ANNUAL REPORT. Not later than March 1 of each year, the court clerk shall make a written report to the court of the status of an investment made by the county clerk under Section 1355.051. The report must contain:

(1) the amount of the original investment or the value of the investment at the last annual report, whichever is later;

(2) any increase, dividend, or income from the investment since the last annual report;

(3) the total amount of the investment and all increases, dividends, or income at the date of the report; and

(4) the name of the depository or the type of investment.

Added by Acts 2011, 82nd Leg., R.S., Ch. 823 (H.B. 2759), Sec. 1.02, eff. January 1, 2014.

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**ANNUAL REPORT OF INVESTMENTS**  
REGISTRY OF THE COURT

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Probate Case Number PR-\_\_\_\_\_

Estate of: \_\_\_\_\_

Funds belong to: \_\_\_\_\_

Depository:

First National Bank of Jasper CD

Texas CLASS Government

Original investment date: \_\_\_\_\_

Previous Balance: \$ \_\_\_\_\_

Income \$ Explanation:

Interest earned in 20\_\_\_\_ \$

Disbursements in 20\_\_\_\_ - Paid to: Amount: \$

Balance \$ \_\_\_\_\_

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Donece Gregory  
Tyler County Clerk

## Reporting Methods

Your file(s) may be submitted using the methods listed below.

- Internet
- Online Express Reporting

Texas uses the reporting format developed by the National Association of Unclaimed Property Administrators (NAUPA). Files must be prepared in the NAUPA 2 format. We offer free software that produces files in this format. We also accept files created by any commercial reporting system that generates the NAUPA 2 formatted file. The Online Express Reporting system allows users to enter data directly via our website.

Report files must be formatted to NAUPA 2 specifications and the information must comply with data entry standards outlined in our *Reporting Instructions Manual*. Reports will be subject to rejection if data does not meet these criteria. This is pursuant to Texas Administrative Code Title 34 Part 1 Section 13.21: [sos.texas.gov/tac/](http://sos.texas.gov/tac/)

Secure file transfer of NAUPA 2 files, the Online Express Reporting system and reporting software can be found at:

[comptroller.texas.gov/programs/claim-it/report/filing.php](http://comptroller.texas.gov/programs/claim-it/report/filing.php)

All other reporting resources, including a *Reporting Instructions Manual*, can be found at:

[comptroller.texas.gov/programs/claim-it/report/forms/](http://comptroller.texas.gov/programs/claim-it/report/forms/)

## Negative Reports

Negative reports are not required. Holder reports are only required in years when you actually have abandoned property to remit.

## Payment

Remittances can be made via ACH through our TEXNET program or by check. Remitting by ACH debit or credit remains the preferred method regardless of amount. If making the remittance by check, it should be made payable to Comptroller of Public Accounts Unclaimed Property. TEXNET enrollment and instructions can be found at [comptroller.texas.gov/programs/claim-it/report/forms/](http://comptroller.texas.gov/programs/claim-it/report/forms/)

## Securities

Securities should be registered to the Texas Comptroller of Public Accounts, Federal Employer Identification Number 74-6000089. Electronic delivery instructions can be found on our website at:

[comptroller.texas.gov/programs/claim-it/report/securities.php](http://comptroller.texas.gov/programs/claim-it/report/securities.php)

**WHY?** Statutory references for reporting unclaimed property in Texas can be found in Title 6, Chapters 72-76 of the Texas Property Code and Section 1109.051 of the Texas Insurance Code.

Contact the Holder Reporting Section at

**800-321-2274,  
512-936-6246, option 2**

or via email at

[up.holder@cpa.texas.gov](mailto:up.holder@cpa.texas.gov)

for more information, including:

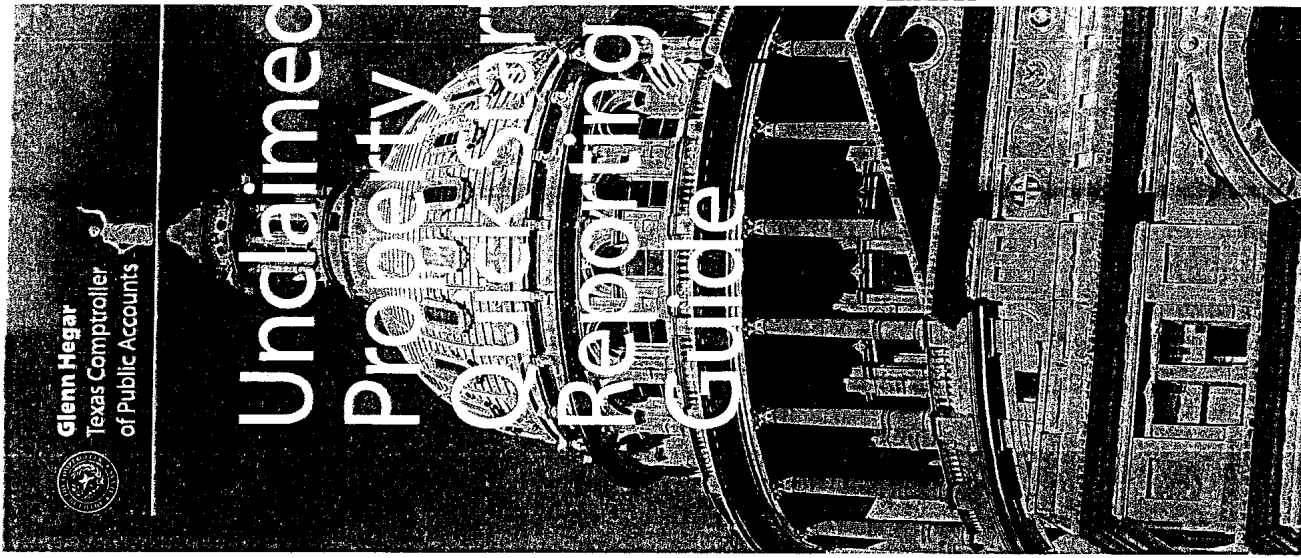
- \* support for reporting software
- \* compliance questions
- \* instructions for filing on the Internet

**Unclaimed Property Division  
Holder Reporting Section  
Post Office Box 12019  
Austin, Texas 78711-2019**

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For additional copies write:  
Comptroller of Public Accounts  
Unclaimed Property Division  
Post Office Box 12019, Austin, Texas 78711-2019

In compliance with the Americans with Disabilities Act, this document may be requested in alternative formats by calling 512-936-6246, option 2 in Austin or by FAX at 512-936-6224.



# Texas Unclaimed Property Reporting Guide

**WHO?** All financial institutions, businesses, government entities, and organizations that are holding abandoned property belonging to Texas residents should file a report with the Texas Comptroller's office.

**WHAT?** Abandoned or unclaimed property can be any financial asset that appears to have been abandoned by the owner. For example:

- Uncashed dividend, payroll, and cashier's checks
- Stocks, bonds, mutual fund accounts
- Utility deposits and other refunds
- Accounts and safe deposit box contents held by financial institutions
- Individual retirement accounts
- Insurance proceeds
- Mineral interest or royalty payments
- Court deposits, trust funds, escrow accounts

**WHEN?** All non-life insurance holder reports and payments must be postmarked or transmitted no later than July 1 of every year. The cut off date for reviewing records is March 1. Life insurance related property is due by Nov. 1 with a cut off date for reviewing records of June 30. This is in accordance with Section 1109.051 of the Texas Insurance Code.

The state does not have the statutory authority to grant extensions on the payment of your report.

**WHERE?** Submit your report electronically and remit payment.

**HOW?** Review your records every year, as of March 1, and determine if you have any property for which you have had no contact with the owner for the applicable abandonment period. The abandonment period is the length of time you hold the property before sending it to the Comptroller's office. The number of years is shown in parentheses following each property type listed at the right.

## Due Diligence Requirement

Holders reporting to Texas are required to mail a notice by May 1 to all owners of non-life insurance property over \$250 that are due to be included on their July report. For details see Texas Property Code Sec. 74.1011.

**Reporting Requirements Update**  
Effective Sept. 1, 2015, Senate Bill 1021 reduces the threshold limit from \$50 to \$25 for property reported in the aggregate.

Effective Jan. 1, 2016, Senate Bill 1589 requires those reporting mineral proceeds derived from a Texas lease or

well to include the following:

- The name of the lease, property well.
- Any identification number used to identify the lease, property or well.
- The county in which the lease, property or well is located.

## Property Type Codes (With Abandonment Periods)

### FINANCIAL INSTITUTION ACCOUNTS

- AC01 Checking accounts (3)
- AC02 Savings accounts (3)
- AC03 Maturity certificates of deposit (3)
- AC04 Code not accepted by Texas
- AC05 Code not accepted by Texas
- AC06 Code not accepted by Texas
- AC07 Unidentified deposits (3)
- AC08 Code not accepted by Texas
- AC09 Other deposit accounts (3)
- AC99 Aggregate account balances less than \$25

### TRUST, INVESTMENTS AND ESCROW ACCOUNTS

- TR01 Paying agent accounts (3)
- TR02 Undelivered dividends or uncashed dividends (3)
- TR03 Funds held in a fiduciary capacity (3)
- TR04 Escrow accounts (3)
- TR05 Trust vouchers (3)
- TR06 Pre-need funeral plans (3)
- TR99 Aggregate trust property less than \$25

### SAFE DEPOSIT BOXES AND SAFEGUARDING

- SD01 Contents of safe deposit boxes held by depositors (5)
- SD02 Safekeeping property (3)
- SD03 Other tangible property (3)
- SD04 Tangible unclaimed loan collateral (3)

### EDUCATIONAL SAVINGS ACCOUNTS

- ES01 Educational savings accounts cash (3)
- ES02 Educational savings accounts mutual funds (3)
- ES03 Educational savings accounts securities (3)
- ES99 Aggregate educational savings account balances less than \$25

### HEALTH SAVINGS ACCOUNTS

- HS01 Health savings accounts cash (3)
- HS02 Health savings accounts investment (3)
- HS99 Aggregate health savings account balances less than \$25

### INDIVIDUAL RETIREMENT ACCOUNTS

- RI01 Traditional IRA cash (3)
- RI02 Traditional IRA mutual funds (3)
- RI03 Traditional IRA securities (3)
- RI04 Roth IRA cash (3)
- RI05 Roth IRA mutual funds (3)
- RI06 Roth IRA securities (3)
- RI99 Aggregate IRA balances less than \$25

### INSURANCE

- IN01 Individual policy benefits or claim payments (3)
- IN02 Group policy benefits or claim payments (3)

### DEATH BENEFITS

- IN03 Death benefits due beneficiaries (3)
- IN04 Proceeds from matured policies, endowments, or annuities (3)
- IN05 Premium refunds on individual policies (3)
- IN06 Unidentified annuities (3)
- IN07 Other amounts due under policy terms (3)
- IN08 Agent credit balances (3)
- IN99 Aggregate insurance property less than \$25

### OFFICIAL CHECKS

- CK01 Cashier's checks (3)
- CK02 Certified checks (3)
- CK03 Registered checks (3)
- CK04 Code not accepted by Texas
- CK05 Drafts (3)
- CK06 Warrants (3)
- CK07 Money orders (3)
- CK08 Traveler's checks (15)
- CK09 Foreign exchange checks (3)
- CK10 Epsilon checks (3)
- CK11 Pension checks (3)
- CK12 Credit checks or memos (3)
- CK13 Vendor checks (3)
- CK14 Code not accepted by Texas
- CK15 Any other outstanding official checks or exchange items (3)

### PROCEEDS FROM MINERAL INTERESTS

- MI01 Net revenue interests (3)
- MI02 Royalties (3)
- MI03 Overriding royalties (3)
- MI04 Production payments (3)
- MI05 Working interests (3)
- MI06 Bonuses (3)
- MI07 Delay rentals (3)
- MI08 Shut-in royalties (3)
- MI09 Minimum royalties (3)
- MI10 Current production payments (0)

### GENERAL BUSINESS, MISCELLANEOUS CHECKS AND INTANGIBLE PERSONAL PROPERTY

- MS01 Wages, payroll, or salary (1)
- MS02 Commissions (3)
- MS03 Worker's compensation benefits (3)
- MS04 Payment for goods and services (3)
- MS05 Customer overpayments (3)
- MS06 Unidentified remittances (3)
- MS07 Unreturned overcharges (3)
- MS08 Accounts payable (3)
- MS09 Accounts receivable credit balances (3)
- MS10 Discounts due (3)
- MS11 Refunds/relates due (3)
- MS12 Stolen value cards/gift certificates (1-3)
- MS13 Cash loan collateral (3)

### SECURITIES

- SC01 Dividends (3)
- SC02 Interest payable on registered bonds (3)
- SC03 Code not accepted by Texas
- SC04 Code not accepted by Texas
- SC05 Code not accepted by Texas
- SC06 Funds paid toward the purchase of shares or interest in a financial or business organization (3)
- SC07 Bearer bond interest and matured principal (3)
- SC08 Undelivered (RFD) shares (3)
- SC09 Cash for fractional shares (3)
- SC10 Unexchanged stock of successor corporation (3)
- SC11 Any other certificates of ownership (3)
- SC12 Underlying shares (3)
- SC13 Funds for redemption/redemption of unsundered stocks/bonds (3)
- SC14 Debentures (3)
- SC15 U.S. Government securities (3)
- SC16 Bank-entry mutual fund shares (3)
- SC17 Warrants or rights (3)
- SC18 Matured principal on registered bonds (3)
- SC19 Dividend reinvestment plans (3)
- SC20 Credit balances (3)
- SC40 Non-transferable certificated shares (3)
- SC41 Book entry shares (3)
- SC42 Securities held by broker/dealer (3)
- SC43 Demutualization cash (1)
- SC44 Demutualization shares (1)
- SC45 Demutualization shares (1)
- SC46 Demutualization shares (1)
- SC99 Aggregate securities-related cash less than \$25

### UTILITIES

- UT01 Utility deposits (1)
- UT02 Membership fees (3)
- UT03 Refunds or rebates (3)
- UT04 Capital credit distributions (3)
- UT99 Aggregate utility property less than \$25

### COURTS/LEGAL

- CI01 Escrow funds (3)
- CI02 Condemnation awards (3)
- CI03 Missing heirs' funds (3)
- CI04 Suspense accounts (3)
- CI05 Any other types of deposits made with a court or public authority (3)
- CI99 Aggregate court deposits less than \$25

**REPORTS IN PROBATE**

**DAILY**

	Qualification of Guardian	JBCC	email	
<i>by the 10th day</i>				
	Abstract of Death	VR		<i>not later than the 10th day of the month following the month abstract was prepared</i>
		SOS	electronic	
	Abstract of App. To Probate	VR		<i>not later than the 10th day of the month following the month abstract was prepared</i>
		SOS	*electronic	
	Abstract of Final Judgment of Mental Incapacity	VR		<i>not later than the 10th day of the month following the month abstract was prepared</i>
	DL-117	DPS		<i>within 10 days from date of decree</i>

**MONTHLY**

<i>by the 20th day</i>				
	County Court Monthly Report	OCA		<i>by 20th day following the activity period</i>
		PUBLIC INSPECTION		
	Court Appointee Fee Report	OCA		<i>by 20th day following the activity period</i>
		PUBLIC INSPECTION		
<i>by the 30th day</i>				
	DPS Federal Firearm Report (NICS)	DPS		<i>ASAP/Gov code 411.052 states not later than the 30th day after court date</i>

**YEARLY**

<i>by January 31st</i>				
	Private Professional Guardians	JBCC		<i>by January 31st for the preceding year</i>
	Registry of Court Investments	COURT		<i>not later than March 1st of each year</i>
	Unclaimed Property	TX COMPTROLLER		<i>Cutoff date=March 1st report by July 1st</i>
	Sheriff and Constable Fees	TX COMPTROLLER		<i>Court adopts by October 1 for fee to become effective on Jan. 1. Report shortly after.</i>