



MARY LOUISE GARCIA  
County Clerk

TARRANT COUNTY COURTHOUSE

100 W. WEATHERFORD  
Fort Worth Texas 76196-0401

## **Filing a Will in Official Public Records**

AG Opinion No. M-511 dated November 19, 1969 may be summarized as follows:

*An unprobated will may be recorded in the office of the County Clerk only if attached as an exhibit to an affidavit of heirship. Until a will is probated, it is no evidence of title and should not be filed in the Official Public Records (or "deed records") of a county.*

The County Clerk's office does, however, accept deposits of unprobated wills for safekeeping under Chapter 252 of the Texas Estates Code.

## **Depositing Will for Safekeeping in Probate**

The process in Probate is as follows:

- The will is assigned a cause number which is captured in the case management system.
- There is a one-time administrative fee of \$5.00.
- The will is sealed in an envelope and placed in a secure storage cabinet. The deputy clerk does not review the contents of the will. The clerk will issue a certificate of deposit for the will upon receipt.
- The will may be removed at any time by the testator (person for whom the will is created) or a person authorized by the testator by a sworn written order with picture identification.  
–*Texas Estates Code §252.051*
- After the Testator passes, the clerk's office shall notify, by registered mail and return receipt requested, each person named on the endorsement of the will wrapper that the will is on deposit in the clerk's office if:
  - 1) an affidavit is submitted to the clerk stating that the testator has died; or
  - 2) the clerk receives other notice or proof of the testator's death sufficient to convince the clerk that the testator has died.–*Texas Estates Code §252.101*
- Any person named on the will wrapper who receives registered mail notice of the testator's death from the clerk will be given the will upon request.  
–*Texas Estates Code §252.102*
- Further details of the process may be found in Chapter 252 of the Texas Estates Code.