

**ADMINISTRATIVE  
ORDER**

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**COUNTY COURT AT LAW**

**NO. 3**

**SMITH COUNTY, TEXAS**

**ADMINISTRATIVE ORDER AUTHORIZING \$500 FEE TO BE COLLECTED  
BY THE COUNTY CLERK FOR ATTORNEY AD LITEM APPOINTMENTS**

Comes now, the Judge of the County Court at Law No. 3 of Smith County, Texas, and finds that there is a need for an administrative order authorizing the collection of a fee as court costs by the Clerk of the Court to pay for services of attorney ad litem in cases in which the law requires the appointment of an Attorney Ad Litem, including but not limited to, cases involving the following: determination of heirship and guardianship. This order shall apply to each application filed on or after January 1, 2024.

Texas Estates Code §202.009 provides that in a proceeding to determine heirship, the court shall appoint an Attorney Ad Litem to represent the interests of heirs whose names or locations are unknown and/or represent the interests of heirs who are incapacitated persons on the finding that the appointment is necessary to protect the interests of the heirs. Texas Estates Code §1054.001 provides that in a guardianship proceeding, the court shall appoint an Attorney Ad Litem to represent the proposed ward's interests. The Court finds the sum of \$500.00 represents a reasonable amount to be deposited as a retainer by the Applicant in contemplation of payment for the reasonable and necessary services of the Attorney Ad Litem ("Retainer Deposit").

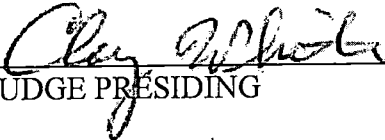
IT IS THEREFORE ORDERED that as provided in Texas Estates Code §53.052(a), for all applications for Determination of Heirship and applications for Guardianship filed on or after January 1, 2024, the Clerk of the Court shall collect a Retainer Deposit in the amount of \$500.00 [plus the County Clerk's 5% Admin fee as directed by LGC Sec 117.055 (a)], in every cause in which an application for determination of heirship or application to appoint a guardian is filed. This Retainer Deposit shall be held by the Clerk of the Court for the payment of the fees of the attorney ad litem upon a proper order directing the taxing of the same as costs in the proceeding and the filing of an Order to Report Authorization of Court Appointment and Appointee's Fees.

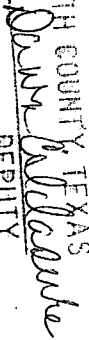
IT IS FURTHER ORDERED that if the Court ordered amount of reasonable and necessary attorney's fees and expenses to be paid to the Attorney Ad Litem is less than the \$500.00 Retainer Deposit and the Attorney Ad Litem has been discharged from his or her duty, the Clerk shall release from the Retainer Deposit to the Attorney Ad Litem pursuant to the Court's order the amount for reasonable and necessary attorney's fees and expenses approved in the case. After payment to the Ad Litem, the Clerk shall then release from the Registry of the Smith County Court at Law No. 3 the remaining amount of the Retainer Deposit [minus the County Clerk's 5% Admin fee as directed by LGC Sec 117.055 (a)] to the Applicant within thirty (30) days from the Court's signed Order approving attorney's fees and expenses.

IT IS FURTHER ORDERED that if the Court ordered amount of reasonable and necessary attorney's fees and expenses to be paid to the Attorney Ad Litem is more than the \$500.00 Retainer

Deposit, the clerk shall release the \$500.00 Retainer Deposit from the registry of the Smith County Court at Law No. 3 to the Attorney Ad Litem in the case within thirty (30) days from the Court's signed Order approving attorney's fees and expenses. The remaining balance of the attorney's fees owed to the Attorney Ad Litem shall be paid by the Applicant in accordance with the Court's signed Order within thirty (30) days.

SIGNED on December 13, 2023.

  
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JUDGE PRESIDING

FILED  
KAREN PHILLIP  
COUNTY CLERK  
2023 DEC 13 PM 2:07  
SMITH COUNTY TEXAS  
BY   
DEPUTY