



DALLAS COUNTY
PROBATE COURT NO. 3
MICHAEL E. MILLER, JUDGE

April 6, 2009

Gregory W. Sampson, Chair
Probate, Trust and Estate Section
Dallas Bar Association
1201 Elm Street, Suite 2500
Dallas, Texas 75270

Re: Adopted Guidelines for Muniment of Title
Probate Proceedings

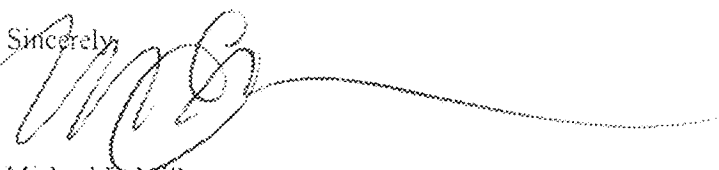
Greg,

At a recent meeting of the Texas statutory probate judges held in Austin, Guy Herman as Presiding Probate Judge of Texas, brought to our attention that decedents who were Medicaid recipients may have an outstanding debt against their estate that is not being considered when determining whether probate as a Muniment of Title is appropriate. It was recommended, and has been adopted by the three Dallas County Probate Courts, that this statement be included in applicant's Proof of Death and Other Facts sworn testimony. It is also a specific finding that should be included in the Order admitting the will to probate.

We ask that these changes be incorporated into the Practice Manual probate forms. Additionally, we request that this information be disseminated among the Probate Section membership.

I am enclosing a copy of the newly adopted Guidelines for your information and use. We thank you for your assistance in this regard.

Sincerely,



Michael E. Miller
Presiding Probate Judge
Probate Court Number Three
Dallas County, Texas

Enclosure (1)

**GUIDELINES FOR MUNIMENT OF TITLE APPLICATIONS
FILED IN DALLAS COUNTY PROBATE COURTS**

EFFECTIVE IMMEDIATELY


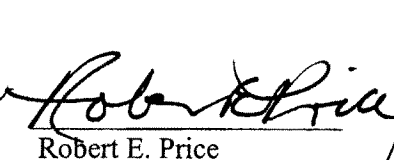
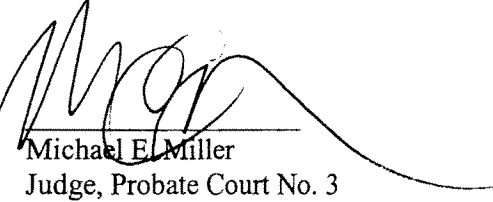
Presently, Texas has **not** adopted a Medicaid-lien approach to Medicaid recovery. Therefore, if a decedent applied for and received Medicaid benefits after March 1, 2005, the State-run Medicaid Estate Recovery Program (MERP) may have a claim for Medicaid recovery and a potential debt against decedent's estate. Consequently, decedent's last will cannot be probated as a Muniment of Title until all debts against the estate are satisfied.

To assist the Probate Courts in making a finding that there are no debts against decedent's estate, the form for Proof of Death and Other Facts must include the following sworn statement:

**“The Decedent did not apply for and receive Medicaid
benefits on or after March 1, 2005.”**

Additionally, this finding should be reflected in the Court's Order admitting decedent's will as a Muniment of Title.

Signed this 6th day of April, 2009.

		
Nikki DeShazo Judge, Probate Court	Robert E. Price Judge, Probate Court No. 2	Michael E. Miller Judge, Probate Court No. 3