

RICHARD A. EVANS
COUNTY JUDGE

H. BRUCE ELIKER
COMMISSIONER, PREC. 1

ROBERT A. HARRIS
COMMISSIONER, PREC. 2

RICHARD KEESE
COMMISSIONER, PREC. 3

DOUG KING
COMMISSIONER, PREC. 4



BANDERA COUNTY

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500 MAIN STREET

P.O BOX 877

BANDERA, TEXAS 78003

(830) 796-3781 (JUDGE'S OFFICE)

(830) 796-4210 (FAX)

TO: Probate Applicants:
RE: Muniments of Title and Medicaid Benefits

FROM: Richard A. Evans
Bandera County Judge

DATE: January 1, 2012

It is imperative that attorneys consult with their clients about whether the deceased received Medicaid benefits. If the deceased applied for Medicaid benefits after March 1, 2005 and received any Medicaid benefits, attorneys need to thoroughly investigate whether the Medicaid Estate Recovery Program has any claim against the estate. If so, the decedent's will cannot be probated as a Muniment of Title until that debt is paid.

The Texas Department of Aging and Disability Services (DADS) is the state agency in charge of the Medicaid Estate Recovery Program (MERP). Information regarding the Medicaid Estate Recovery Program is available at www.dads.state.tx.us/service/estate_recovery/index.html. The Department's general web address is www.dads.state.tx.us/.

Changing your documents for Muniment of Title proceedings:

To assure the Court that a Muniment proceeding is appropriate, we ask that attorneys add the following sentence to the form most commonly known as Proof of Death and Other Facts (when probating a will as Muniment of Title):

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