

No. _____

IN THE ESTATE OF	§	IN THE PROBATE COURT
	§	
_____ ,	§	OF
	§	
DECEASED	§	DENTON COUNTY, TEXAS

ORDER OF REFERRAL TO MEDIATION

The above referenced case is referred to mediation in accordance with the Texas Civil Practices and Remedies Code and/or the Texas Estates Code.

The **Denton County ADR Program (DCAP)** is appointed to mediate in this case, and all counsel are ordered to contact DCAP to arrange the logistics of mediation within ten business days. **DCAP's** address and telephone number are as follows:

**1504 E. McKinney St.,
Denton, Texas, 76209
(metro) 940.320.1500
(metro fax) 940.320.1502
(email) executive director@dentonbar.com**

This mediation is a mandatory settlement conference, conducted with the assistance of the mediator. A mediated settlement agreement can be made binding on the written agreement of the parties. Mediation is private, confidential, and privileged, except as provided by applicable law. After mediation, the Court will be advised by the mediator, the parties, and counsel only that the case did or did not settle. The mediator shall not be a witness, and the mediator's records may not be subpoenaed or used as evidence. No subpoenas, citations, writs, or other process shall be served at or near the location of any mediation session on any person entering, leaving, or attending any mediation session. Each party and counsel shall be bound by any rules for mediation furnished by the mediator and shall complete and supply all information requested by the mediator.

IT IS ORDERED that all named parties and lead attorneys shall be present during the entire mediation process and that each corporate party must be represented by an executive officer with authority to negotiate a settlement. Counsel and parties are **ORDERED** to proceed in a good-faith effort to try to resolve this case and shall agree on a mediation date within the next 10 days. If no agreed date can be scheduled within the next 10 days, the mediator shall select a date for the mediation and all counsel and parties are **ORDERED** to appear as directed by the mediator. Any date so scheduled by the mediator is incorporated in this Order as the date on which the mediation shall occur. In any event, the mediation shall be conducted no later than 45 days from the date this order is signed. Referral to mediation is not a substitute for trial, and the case will be tried if not settled.

IT IS FURTHER ORDERED that each of the parties do the following:

1. Notify Denton County Alternative Dispute Resolution Service (DCAP), in writing at least 21 days before the date of mediation, or immediately upon entry of this Order, if the mediation is scheduled less than 21 days from the date of this Order, if there is any allegation, by either party, of domestic violence having been committed by either party, or any person attending the mediation, or if there is any reason the party believes his or her personal safety would be in jeopardy at mediation.

2. Pay the mediation fee assessed herein prior to, or concurrently with, the scheduling of the mediation. **IT IS SPECIFICALLY ORDERED** that DCAP is under no obligation to schedule the mediation until the assessed fee is paid.

IT IS FURTHER ORDERED that for all probate cases under the Texas Estates Code, the Mediation Level shall be controlled by the amount in controversy, or if none stated, the total value of the estate as stated on the Inventory and List of Claims, or if none, the value stated in the Certificate below. However, **IT IS ORDERED** that if during mediation, it is discovered that the amount in controversy is higher than the amount indicated by the parties prior to mediation, which then indicates a higher mediation level/fee for any party to the mediation, DCAP shall assess the fee indicated on the date of mediation and mediation shall not continue until said additional fee has been paid. **IT IS FURTHER ORDERED** that, if the parties indicate different mediation levels because of disputed valuations of the claim(s), the higher valuation shall control the mediation level for both parties.

The following levels have been approved through the Commissioner’s Court, please do not modify.

____ **Level 1.** Indigent

_____, Petitioner, has been judicially determined by this court to be indigent. Mediation will be conducted at no charge to this individual.

_____, Respondent, has been judicially determined by this court to be indigent. Mediation will be conducted at no charge to this individual.

____ **Level 2.** The value of the estate is less than \$250,000 or in a non-family law matter the amount in controversy is less than \$250,000.00.

(Check One):

____ The cost of mediation is \$150.00 per (Party / Petitioner / Respondent).
(circle one)

_____ The \$300.00 mediation fee will be charged to _____.

____ **Level 3.** The value of the estate is between \$250,000 and \$750,000 or the amount in controversy in a non-family law matter is between \$250,000.00 and \$750,000.

(Check One):

_____ The cost of mediation is \$900.00 per (Party / Petitioner / Respondent). **(circle one)**

_____ The mediation fee (\$1,800.00) will be charged to _____.

____ **Level 4.** The value of the estate is more than \$750,000 or the amount in controversy in a non-family law matter is more than \$750,000.00.

(Check One):

_____ The cost of mediation is \$1,500.00 per (Party / Petitioner / Respondent). **(circle one)**

_____ The mediation fee (\$3,000.00) will be charged to _____.

SIGNED on _____.

JUDGE PRESIDING

Certification of value of the Estate or Amount in Controversy of the parties

I hereby certify to the best of my knowledge, that the below level correctly reflects the value of the estate or the amount in controversy for my client:

- _____ LEVEL 1: My client is indigent
- _____ LEVEL 2: Less than \$250,000.00
- _____ LEVEL 3: \$250,000.00 to \$750,000.00
- _____ LEVEL 4: Greater than \$750,000.00

Signed on the _____ day of _____, 20

Attorney for

Certification of value of the Estate or Amount in Controversy of the parties

I hereby certify to the best of my knowledge, that the below level correctly reflects the value of the estate or the amount in controversy for my client:

- _____ LEVEL 1: My client is indigent
- _____ LEVEL 2: Less than \$250,000.00
- _____ LEVEL 3: \$250,000.00 to \$750,000.00
- _____ LEVEL 4: Greater than \$750,000.00

Signed on the _____ day of _____, 20

Attorney for

FOR 3RD PARTY, IF APPLICABLE:

Certification of value of the Estate or Amount in Controversy of the parties

I hereby certify to the best of my knowledge, that the below level correctly reflects the value of the estate or the amount in controversy for my client:

- _____ LEVEL 1: My client is indigent
- _____ LEVEL 2: Less than \$250,000.00
- _____ LEVEL 3: \$250,000.00 to \$750,000.00
- _____ LEVEL 4: Greater than \$750,000.00

Signed on the _____ day of _____, 20

Attorney for