

MISC. DOCKET NO. 04-9090

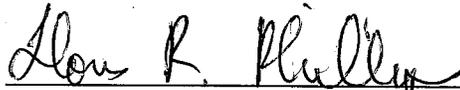
ORDER OF THE SUPREME COURT OF TEXAS

**Approval of the Local Rules of the District and County Courts of Brazoria
County, Texas,
Concerning the Electronic Filing of Court Documents**

ORDERED that:

Pursuant to Rule 3 of the Texas Rules of Civil Procedure, the attached Local Rules for the District Clerk and the County Clerk of Brazoria County, Texas, concerning electronic filing by the District Clerk and the County Clerk, are approved. This approval is temporary pending further orders of the Court.

In Chambers, this ~~25th~~ day of May, 2004.



Thomas R. Phillips, Chief Justice



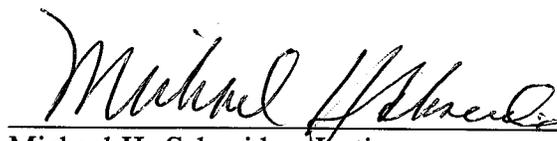
Nathan L. Hecht, Justice



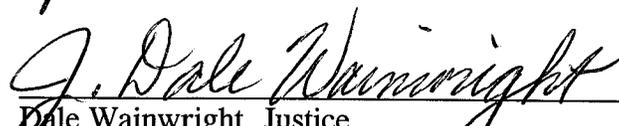
Priscilla R. Owen, Justice


Harriet O'Neill, Justice


Wallace B. Jefferson, Justice


Michael H. Schneider, Justice


Steven Wayne Smith, Justice


Dale Wainwright, Justice


Scott A. Brister, Justice

**REVISED ORDERS ESTABLISHING RULES GOVERNING THE PROCEDURES FOR
THE COUNTY CLERK AND DISTRICT CLERK OF BRAZORIA COUNTY TO
RECEIVE AND FILE ELECTRONICALLY TRANSMITTED COURT DOCUMENTS**

The Courts of Brazoria County hereby adopt the following rules for electronic filing of documents by the County Clerk and District Clerk of Brazoria County.

1. The County Clerk and District Clerk are authorized to accept for filing via electronic transmission any document which might be filed in a court-action except:
 - A. Returns of service on issuance
 - B. Bonds
 - C. Orders or judgments signed by a Judge
 - D. Affidavit or any notarized instrument.
2. Documents electronically transmitted for filing will be received on a plain paper facsimile. No document printed on thermal paper shall be filed.
3. No Documents electronically transmitted shall be accepted by either clerk unless the sender owes no outstanding court costs or fees to the clerks. Documents which require no filing fee shall be accepted by the clerks for filing. Documents which require a filing fee to be paid shall be accepted by the clerk if the sender has made prior arrangements with the clerks or has arranged to pay such fee with a credit card through Official Payments or through a guaranteed payment system. If the clerks reject a filing for nonpayment of fees, they will notify the sender as soon as practicable.
4. A fee schedule for electronic filing shall be adopted annually by the clerks and approved by the Courts. The clerks may prescribe a reasonable schedule of additional charges for filing documents that do not initially conform to those rules or to the clerks' policies and procedures for fax filing.
5. An electronically transmitted document accepted for filing will be recognized as the original record of file or for evidentiary purposes when it bears the clerk's official date and time file stamp.
6. Every document transmitted for filing shall conform the requirements for filing established by the Texas Rules of Civil Procedure, i.e., shall be on paper measuring 8 ½ x 11 inches, shall be signed individually by the party or the party's attorney of record, and shall contain the individual's State Bar of Texas Identification number. The quality of the original hard copy shall be clear and dark enough to transmit legibly.
7. The sender will maintain the original of the document with the original signature affixed as required by Section 51.806 of the Texas Government Code and Rule 45, Texas Rules of Court.
8. A cover sheet must accompany every transmission which shall:
 - A. Clearly identify the sender, the documents being transmitted and the number of pages.

- B. Have clear and concise instructions concerning issuance or other request.
 - C. Have complete information on the charge authorization for court cost and fees.
9. The Clerks upon receipt of an electronically transmitted document shall verify the *completeness* of the transmission.
 10. After filing an electronically transmitted document the clerks will electronically transmit to the sender an acknowledgment of the filing, together with cost receipts, if any.
 11. No citation or writ bearing the official seal of the court may be transmitted electronically.
 12. Each page of any document received by the clerks' office will be automatically imprinted by the clerks' fax machine, with the date and time of receipt. The date and time imprinted by the clerks' fax machine on the last page of the document will determine the order of filing. The clerk shall affix the clerks' official date and time stamp and file the documents in the order they were received as reflected by the imprinted date and time. Receipt by the clerks' fax machine of the electronic transmission of a document form with the proper charges authorization constitutes filing. Transmission completed during the normal business day before 5:00 p.m. and accepted for filing will be filed on the day of receipt. Transmission completed after 5:00 p.m., on weekends, holidays or on days the Clerk's Office is closed will be verified and filed before 10:00 a.m. on the first business day following receipt of transmission. The sender is responsible for determining if there are changes in normal business hours.

It is therefore ordered that this system for electronic filing of documents in the courts of Brazoria County, Texas be and the same adopted, effective upon approval by the Supreme Court of Texas; that a copy hereof shall be furnished to the Supreme Court of Texas for approval as provided by Section 51.807, Texas Government Code; and that upon approval by the Supreme Court of Texas the same be placed upon the Minutes of the County Courts and District Courts of Brazoria County, Texas.

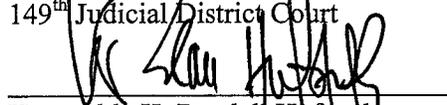
Signed this the 7th day of July, 2003.

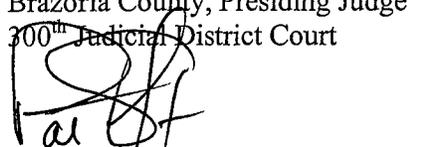

 Honorable Jerri Lee Mills, Judge
 County Court at Law No. 1 and
 Probate Court


 Honorable James Blackstock, Judge
 County Court at Law No. 3 and
 Probate Court


 Honorable Marc Holder, Judge
 County Court at Law No. 2 and
 Probate Court


 Honorable Robert May
 Brazoria County, Presiding Judge
 149th Judicial District Court


 Honorable K. Randall Hufstetler
 Brazoria County, Presiding Judge
 300th Judicial District Court


 Honorable Patrick Sebesta
 Brazoria County, Presiding Judge
 239th Judicial District Court

Ben Hardin

Honorable Ben Hardin
Brazoria County, Presiding Judge
23rd Judicial District Court

Approved and Accepted:

Jerry Deere

Honorable Jerry Deere
Brazoria County, District Clerk

Joyce Hudman

Honorable Joyce Hudman
Brazoria County, County Clerk