

## **FAX FILING INSTRUCTIONS**

The District Clerk's Office is pleased to provide fax filing and offers you the following information so that you may take advantage of this service.

The fax number for fax-filing is 409-246-5288.

### **FEES**

The fax filing fee for incoming faxes is \$1.00 per page, including the two page fax cover form and civil filing form. In addition to the fax filing fees you must also pay any filing fee associated with the document filed. Upon your request, the District Clerk's Office will make copies of documents at a cost of \$1.00 per page. This will be helpful when a copy of a document is required for citation.

The two page fax cover form must accompany every document transmitted which shall clearly identify the sender, the document being transmitted, and the number of pages.

Payment for fax filings may only be made with a credit card, 2.65% of the amount charged will be assessed for each credit card transaction (minimum \$3). If you need further assistance on fax filing with the District Clerk's Office, please contact (409) 246-5150.

Transmissions completed during a normal business day before 5:00 PM and accepted for filing will be file marked at the time it is received. Transmissions completed after 5:00 PM, on weekends and holidays will be verified and filed before 10:00 AM on the first business day following.

Pursuant to Texas Government Codes 51.803 and 51.807, the District Clerk's Office is authorized to accept any document by fax that might be filed in a court action, except: bonds and signed orders or judgments or any document requiring a notarized or verified signature.

A document is filed when it bears the official date and time file stamp.

Documents must be signed and the copy received must be clear and legible.

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**HARDIN COUNTY**

**LOCAL RULES GOVERNING THE PROCEDURE**

**FOR THE DISTRICT CLERK TO RECEIVE AND FILE**

**ELECTRONICALLY TRANSMITTED COURT DOCUMENTS VIA FACSIMILE**

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The following rules govern the procedure for the District Clerk of Hardin County ("the clerk") to receive and file electronically transmitted court documents:

1. The clerk is authorized to accept for filing electronically transmission, via facsimile, any document which might be filed in a court action except:
  - (a) bonds;
  - (b) signed orders or judgments.
2. Documents electronically transmitted for filing will be received by the clerk at the following number, (409) 246-5288 on a plain paper facsimile and printed by a printer rendering the copy of an archival quality.
3. No document electronically transmitted via facsimile shall be considered completely filed until court costs and fees have been paid. Court costs and fees may be paid by such method of payment established by the clerk in compliance with the guidelines and procedures set forth by the County Auditor, including, but not limited to designated credit cards and electronic funds transfer. Documents tendered to the clerk electronically without payment of courts costs and fees, or with incomplete information on the charge authorization or request, or which do not conform to applicable rules, may be stricken by the court is such defects are not promptly cured.
4. A fee schedule for fax filing shall be adopted annually by the clerk and approved by the Civil District Courts.
5. An electronically transmitted document accepted for filing will be recognized as the original record for the file or for evidentiary purposes when it bears the clerk's official date and time file stamp.
6. Every document electronically transmitted for filing shall conform to requirements for filing established by the Texas Rules of Civil Procedure, i.e., shall be on paper measuring approximately 8-1/2 x 11 inches, shall be signed individually by the party or the party's attorney of record, and shall contain that individual's State Bar of Texas identification number, if any,

address, telephone number and telecopier number. The quality of the original hard copy shall be clear and dark enough to transmit legibly.

7. The sender shall maintain the original of the document with original signature affixed as required by section 51.806 , Texas Government Code.

8. A cover sheet must accompany every transmission which shall: (a) clearly identify the sender, the documents being transmitted, and number of pages; (b) have clear and concise instructions concerning issuance or other requests; and, (c) have complete information on the authorization of the credit card or bank account debit, or other form of payment established by the clerk for court costs and fees.

9. The clerk upon receipt of an electronically transmitted document shall verify the completeness of the transmission.

10. The clerk, when satisfied that the transmission is complete, shall confirm the charge or payment authorization and note the authorization code on the cost receipt. Thereafter, the documents tendered electronically shall be deemed completely filed and the clerk shall affix the clerk's official date and time file stamp to the document.

11. If the transmission is found to be incomplete or court costs or fees, if required, are not paid, the clerk will notify the sender as soon as practicable that the transmission has not been filed and the reason.

12. After filing an electronically transmitted document via facsimile the clerk will electronically transmit via facsimile to the sender an acknowledgment of the filing, together with cost receipt, in any.

13. No citations or writ bearing the official seal of the court may be transmitted electronically.

14. Electronic transmission of a document does not complete filing. Filing is complete when the clerk's official date and time file stamp is affixed to the document.

15. Each page of any document received by the clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the front page of a document will determine the time of filing, upon completion of filing. Transmissions completed during a normal business day before 12:00 midnight shall be filed as the day they are received. If a transmission is received after 4:00 PM, the clerk shall verify receipt and filing before 10:00 AM on the next business day. Transmissions completed on weekends or holidays will be verified and filed before 10:00 AM on the first business day following receipt of transmission.

