

The Texas Probate Process

for educational purposes only*



File Application for Probate and **Will** with County Clerk.

Citation posted by county clerk to all interested parties to appear if the party wishes.

Probate hearing at court after the posting period and subject to next availability on court's docket.

Testimony is given to court by executor providing the facts of decedent's death and Will.

Oath by executor, if Will is admitted and executor appointed.

Letters testamentary obtained by executor after oath has been filed.

Notices to Creditors published in paper and copy filed with court after publication.

Notices to Beneficiaries sent in accordance with Texas Estates Code Section 308.002.

Affidavit filed with court confirming notice to beneficiaries.

Inventory of assets prepared listing all of the probate assets of the estate. Copy provided to beneficiaries by executor.

File Final 1040 Income Tax Return if required.

File Form 706 Estate Tax Return if taxable estate exceeds estate tax exemption amount (\$11.2M in 2018).

File Fiduciary Income Tax Returns (Form 1041) if required.

Classify & Pay the valid debts and expenses of the estate. Sell assets if proceeds needed.

Collect any monies or assets belonging to the estate.

Distribute assets to beneficiaries and obtain Receipts.

***This document is intended for general information purposes only.** It does not constitute legal advice. The reader should consult with a knowledgeable probate attorney to determine how applicable laws apply to specific facts and situations. This document is based on the most current information at the time it was written. Since it is possible that the laws or other circumstances may have changed since publication, please call us to discuss any action you may be considering as a result of reading this publication.