



Timeline for Probating a Simple Estate in Texas

1. Find the original Will.
2. File the original Will with an Application for Probate of Will and Issuance of Letters Testamentary.
3. The County Clerk issues citation and also posts notice at the courthouse that an Application for Probate of Will has been filed.
4. After notice has been posted for the requisite time, a hearing is scheduled to ask the Court to admit the Will to probate and to issue Letters Testamentary.
5. At the hearing, the named Executor provides the Court with facts of death and proves up the validity of the Will. If the Will is self-proven, the Executor will be the only one to give testimony. In Texas, a Will is self-proven when an affidavit containing specific language is attached to the Will, which enables the Will to be proven valid without the necessity of witness testimony. However, if the Will is not self-proven, witnesses will be called to testify at the hearing as required by law. Written testimony of the Executor's oral testimony (and any witnesses) is prepared before the hearing, and that written version is signed in the presence of the judge or clerk immediately after the oral testimony.
6. After the judge signs the order admitting the Will to probate, the Executor takes the Oath to perform his or her duties front of the judge (or the county clerk) and receives Letters Testamentary.
7. A Notice of Creditors is prepared and sent to a newspaper for publication within one month after receiving Letters Testamentary. The newspaper will send a copy of the notice that was published and will execute a Publisher's Affidavit verifying that the notice was properly published by law.
8. The Executor provides and sends notice that Letters Testamentary have been issued to creditors with liens against real or personal property of the estate within two months after receiving Letters Testamentary.
9. The Executor sends certified letters to each beneficiary named in the Will to provide a copy of the Court order admitting the Will along with a copy of the Will not later than 60 days from the date the judge signed the order admitting the Will to probate.
10. The Executor prepares and files a sworn affidavit with the Court stating that the notice to beneficiaries was completed. This affidavit is filed no later than 90 days from the date the judge signed the order admitting the Will to probate.
11. The Executor prepares an Inventory, Appraisal, and List of Claims that shows the assets of and claims against the estate and the value of each asset, as of the Decedent's date of death. This inventory will be filed with the Court no later than 90 days from the date the judge signed the order admitting the Will to probate, or if the inventory has been delivered to all estate beneficiaries an affidavit stating that fact in lieu of filing the inventory in the public records.

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12. A final federal income tax return (form 1040) for the year the Decedent died is due by April 15th of the following year.
13. Federal estate taxes may be due for larger estates.
14. If any creditor makes a claim on the estate, the Administrator must, within 30 days, either accept or reject the claim or any part of it.
15. Creditors are lined up in the classes set out by the Texas Probate Code and paid in order of their class.
16. The estate is disbursed as provided for in the Will.
17. New titles are issued for cars, boats, and other titled property.

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