

Estate Requirements for the Decedent's Producing Property located in Texas

A. Decedent died testate (left a will) and lived in Texas.

1. A certified copy of the Will and Order Admitting the Will to Probate issued in Texas.
2. A certified copy of Letters Testamentary, if issued.

If an independent administrator is appointed, we will require the above referenced documents 1 and 2 and:

3. Letters of Administration.

With receipt of these cited documents, we will be in the position to remit payment to The Administrator/trix or Executor/trix until the estate is closed.

If and when the estate is closed, we will require the following:

4. A certified copy of the Final Order of Discharge, if issued.
5. A certified copy of the Will and Order Admitting to Probate in Texas if not previously submitted. The Will and Order Admitting to probate, or, if issued, the Final Order of Discharge must be recorded in the Records of all counties where the properties are located.
6. Evidence that debts and taxes have been paid.

With these cited documents, we can remit payment to the designated heir(s) under the will.

B. Decedent died intestate (no will) and resided in Texas.

If an administrator has been appointed by a Texas Court, we will require:

1. Letters of Administration.
2. A completed Affidavit of Heirship. The affidavit must be executed, dated notarized and filed in the Records of all Texas Counties where properties are located.

or

If an independent administrator is appointed, we require:

1. A certified copy of the Order granting independent administration.
2. Letters Testamentary, if issued.

With these cited documents we can remit payment to the Administrator/trix until the estate is closed.

When the estate is closed, we will require:

- a. A certified copy of the Final Order of Discharge, if issued.
- b. A completed Affidavit of Heirship if not previously furnished. The affidavit must be executed, dated, notarized, and filed in the Records of the Texas counties where all properties are located.
- c. Evidence that debts and taxes have been paid.

With these cited documents, we will be position to remit payment directly to the designated heir(s) according to the Texas Laws of Descent and Distribution.

However...

If an administrator has not been appointed, we require :

3. A certified copy of the Death Certificate.
4. A completed Affidavit of Heirship. The affidavit must be executed, dated, notarized, and filed of Records all the Texas counties where properties are located.
5. Evidence that debts and taxes have been paid.

With these cited documents, we can remit payment to the designated heir(s) set out in affidavit in accordance with Texas Probate laws.

C. Decedent died testate (left a will) and resided in another state.

Evidence of Ancillary Probate:

1. A certified copy of the Will if applicable and Order Admitting to Probate in Texas in accordance with Section 95 of the Texas Probate Code.
2. A certified copy of Letters Testamentary issued by a Texas Court.

In the event an independent administrator is appointed, we will require cited documents 1 and 2 and

3. Letters of Administration.

With these cited documents, we can remit payment directly to the executor/trix.

When Ancillary Administration has been completed, we require:

1. A certified copy of the Final Order of Discharge, if issued.
2. A certified copy of the Will and Order Admitting Will to Probate in Texas , if not previously furnished. The ancillary probate documents must be recorded in the Records of all counties where the properties are located.
3. Evidence that debt and taxes have been paid.

With these cited documents, we will remit payment directly to the heir(s) under the will.

or, in lieu of Ancillary Probate*, we require:

1. Muniment of Title Recording.

*Section 96 of the Texas Probate Code, which offers an alternative to ancillary probate (Section 95), provides that when a will conveying land in Texas has been probated in another state, a certified copy of such probate proceedings, including the will, may be filed and recorded in the Records in the county in which the Texas property is located without further proof or authentication. This process is sufficient to establish title to real estate in Texas and takes effect as a deed of conveyance of all property in Texas conveyed by the will from the time such instrument is delivered to the clerk to be recorded (Probate Section 98). It does not empower the foreign executor to act as an executor in Texas.

Once exercised under Section 96, we can direct payments to the devisee(s) under the will or Final Order.

When a foreign will and its probate have been recorded pursuant to Section 96 of the Texas Probate Codes, we require:

1. A certified copy of the will recorded in the Records of all counties where the properties are located.
2. Evidence that debts and taxes have been paid.

Limited Exception for Foreign Executor

Section 107 of the Texas Probate Code gives the executor appointed by the domiciliary court in a foreign state the authority to sell property in Texas belonging to Testator provided; however, that the will so authorizes him to do so and the will and a certified copy of its foreign probate are placed of record in Records of the county in Texas where the property is located. However, this procedure would not be confused with recording of the foreign will as a miniment of title under Probate Code 96 and 98. Because of the likelihood of confusion, the executor's deeds allowed under Section 107 should be recorded at the same time as the will and certified copy of its foreign probate. This process is sufficient to establish title in the buyer of the testator's interest to real property in Texas.

D. Decedent died intestate (no will) and resided in another state.

If an administrator has been appointed by a Texas Court, we require:

1. Letters of Administration.
2. A completed Affidavit of Heirship. The affidavit must be executed, dated, notarized, and filed in the Records of all Texas counties where properties are located.

If an independent administrator is appointed, we will require cited documents 1 and 2 and:

3. A certified copy of the order granting independent administration.

These cited documents will allow us to remit payment to the Administrator/trix until the estate is closed.

When the estate is closed, we require:

1. A copy of the Final Order of Discharge, if issued.
2. A completed Affidavit of Heirship if not previously furnished. The affidavit must be executed, dated, notarized, and filed in the Records of the Texas counties where all the properties are located.
3. Evidence that debts and taxes have been paid.

With these cited documents, we will be in the position to remit payment to the designated heirs according the Texas Laws of Descent and Distribution.

On the other hand, if an administrator is not appointed, we will require:

1. A copy of the Death Certificate.
2. A completed Affidavit of Heirship. The affidavit must be executed, dated, notarized, and filed in the Records of all the Texas counties where the properties are located.
3. Evidence that debts and taxes have been paid.

With these cited documents, we will be in the position remit position to the designated heir(s) according to the Texas Laws of Descent and Distribution.