

CAUSE NO.

IN THE ESTATE

§

IN THE COUNTY COURTS

§

OF

§

AT LAW NO. 1 & 2 OF

§

§

HUNT COUNTY, TEXAS

COURT INSTRUCTIONS TO THE DEPENDENT ADMINISTRATOR WITH WILL ANNEXED OF AN ESTATE

As the duly appointed Dependent Administrator with Will Annexed of this estate, you are hereby advised by the Court that you must comply with the following statutory requirements:

1. **File your Oath within 20 days after the date of the order** granting Letters of Dependent Administration with Will Annexed. ***This is a mandatory requirement.*** *Sec. 305.052, Estates Code.*
2. If ordered by the Court, **file the Bond within 20 days after the date of the order** granting Letters of Dependent Administration with Will Annexed. ***This is a mandatory requirement in those cases where a bond has been ordered by the Court.*** *Sec. 305.101, Estates Code.*
3. **Issue Notice to Creditors as follows (these are mandatory requirements):**
 - a. **Notice to general unsecured creditors is required within one (1) month after receiving Letters of Dependent Administration with Will Annexed.** Notice is given by publishing the notice one time in a newspaper of general circulation in the county where the letters are issued. Publisher's affidavit showing the date of publication shall be filed with the clerk. *Sec. 308.051, Estates Code.*
 - b. **Notice to secured creditors is required within two (2) months after receiving Letters of Dependent Administration with Will Annexed.** Notice is given by certified or registered mail, return receipt requested, at the creditors' last known address. The Administrator's Affidavit of Notice to Secured Creditors, along with copies of each notice mailed with certified mail return receipt, shall be filed with the clerk. *Sec. 308.053, Estates Code.*
 - c. **Notice by certified mail to Comptroller of public accounts within 5 days of order appointing administrator if decedent paid or owed taxes administered by the Comptroller.** Copy of notice with certified mail return receipt shall be filed with the clerk. *Sec. 551.005, Estates Code.*
4. **Issue Notice to Beneficiaries named in the Will within 60 days after the date of the Order admitting the will to probate.** This is a mandatory requirement, except where it applies to those beneficiaries who have made an appearance in the probate proceeding before the will is admitted to probate, or who have received a copy of the will and have filed a waiver of notice. *Sec. 308.002, Estates Code.*
5. **File a Sworn Affidavit or Certificate of Notice within 90 days after the date of the Order admitting the will to probate.** See #4 in these instructions; proof of notice and filing waivers of notice must be filed with the clerk. This is a mandatory requirement, even if the administrator is the sole

beneficiary and no additional notice is required or necessary; the court cannot waive the filing of the affidavit/certificate. *Sec. 308.004, Estates Code.*

6. **File an Inventory, Appraisal and List of Claims of the Estate within 90 days of qualification** (filing of oath and bond, as applicable) as required in Sec. 309.051 of the Texas Estates Code. **This is a mandatory requirement. Failure to file an inventory, appraisal and list of claims within 90 days of qualification or any extension granted by the court may result in an order to show cause and/or revocation of letters and a fine not to exceed \$1,000.00.** *Sec. 309.057, Estates Code.*
7. **File your sworn Annual Account each year**, no later than 60 days after the anniversary date of your qualification (filing of oath and bond). Your attorney should prepare this account.
8. **Place all estate funds in insured accounts** in the name of the estate; allow for interest bearing when practical. *Chap. 351, Estates Code.*
9. **Obtain a written order of this Court authorizing ANY expenditure of estate funds** before any such expenditure is made. *Chap. 351, Estates Code.*
10. **Maintain an accurate record of all expenditures and receipts of estate funds.** *Chap. 351, Estates Code.*
11. **Preserve, protect and insure, if insurable, all non-cash assets of this estate.** *Chap. 351, Estates Code.*
12. **Obtain a written order of this Court before attempting to sell, lease, transfer or otherwise dispose of any non-cash asset of this estate.** *Chap. 356, 357, 358, and 360, Estates Code.*
13. **File your Final Accounting when the estate is ready to be closed** (when all debts are paid in full, or to the extent that assets of the estate will permit their payment, and when no further necessity for the administration exists). Your attorney should prepare the Final Accounting. *Sec. 362.003, Estates Code.*
14. **Consult with your attorney on any matter regarding this estate you do not understand. Failure to comply with the mandatory requirements of the Texas Estates Code may result in penalties up to and including revocation of letters of appointment or other penalties as provided by statute.**

JUDGE TIMOTHY S. LINDEN
Hunt County Court at Law No. 1

JUDGE JOEL D. LITTLEFIELD
Hunt County Court at Law No. 2

I, _____, the duly appointed Dependent Administrator of the above referenced estate, hereby attest that I have read the above and understand its contents.

Date

Signature _____
Dependent Administrator

I, _____, the attorney for the Dependent Administrator, certify that I have discussed with my client(s) the responsibilities of a Dependent Administrator of the Estate.

Date

Signature _____
Attorney