

CAUSE NO.

IN THE ESTATE

§

IN THE COUNTY COURTS

§

OF

§

AT LAW NO. 1 & 2 OF

§

§

HUNT COUNTY, TEXAS

COURT INSTRUCTIONS FOR THE INDEPENDENT EXECUTOR OF AN ESTATE

As the duly appointed Independent Executor 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 testamentary. ***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 testamentary. ***This is 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 within 1 month after receiving Letters Testamentary.** 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 date of publication shall be filed with the clerk. Sec. 308.051, Estates Code.
 - b. **Notice to secured creditors within 2 months after receiving Letters Testamentary.** Notice is given by certified or registered mail, return receipt requested, at the creditors' last known address. The Executor'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 to Comptroller of Public Accounts by certified mail 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. 308.051, Estates Code.
4. **Issue Notice to Beneficiaries** named in the will within 60 days of the date the Court's order was signed 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 date of order admitting will to probate.** See #4 in these instructions; proof of notice and filing waivers of notice must be filed with the clerk. 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 by Sec. 309.051 of the Texas

Estates Code. **This is a mandatory requirement. Failure to file an inventory, appraisal and list of claims or an affidavit in lieu of 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. When assets have been distributed to the beneficiaries, you may, if you wish, file a Closing Notice or Report to Close the Estate, attaching receipts from the beneficiaries, if all estate business has been completed and six months has elapsed since the estate was opened, or an action for Declaratory Judgment under Chap. 37, Civil Practice & Remedies Code. *Chap. 405, Estates Code.*
8. 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 Independent Executor of the above referenced estate, hereby attest that I have read the above and understand its contents.

Date

Signature _____
Independent Executor

I, _____, the attorney for the Independent Executor, certify that I have discussed with my client(s) the responsibilities of an Independent Executor of the Estate.

Date

Signature _____
Attorney