

CAUSE NO.

IN THE ESTATE

§ IN THE COUNTY COURTS

§

OF

§ AT LAW NO. 1 & 2 OF

§

§ HUNT COUNTY, TEXAS

COURT INSTRUCTIONS OF THE INDEPENDENT ADMINISTRATOR WITH WILL ANNEXED OF AN ESTATE

As the duly appointed Independent 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 Independent 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 Independent Administration with Will Annexed. ***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 is required within 1 month after receiving Letters of Independent 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 date of publication shall be filed with the clerk. *Sec. 308.051, Estates Code.*
 - b. **Notice to secured creditors is required within 2 months after receiving Letters of Independent 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 to Comptroller of public accounts by certified mail is required within 5 days of the date of the order appointing Independent Administrator with Will Annexed if the decedent paid or owed taxes administered by the Comptroller.** Copy of the notice with the certified mail return receipt shall be filed with the clerk. *Sec. 308.051, Estates Code.*
4. **Issue notice to the beneficiaries named in the will within 60 days of 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, Texas 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 notices issued and 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. 308.002, Estates Code.*

6. **File an Inventory, Appraisalment 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, appraisalment and list of claims or an affidavit in lieu of inventory, appraisalment 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 Administrator with Will Annexed of the above referenced estate, hereby attest that I have read the above and understand its contents.

 Date

Signature _____
 Independent Administrator with Will Annexed

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

 Date

Signature _____
 Attorney