

Cause No. _____

Estate of	§	In the County Court
	§	
_____ ,	§	At Law No. _
	§	
Deceased	§	Brazos County, Texas

Court-Ordered Instructions for a Dependent Administrator/Executor

As soon as you have qualified as Dependent Administrator or Dependent Executor, you will be a “fiduciary” – someone who has *a legal responsibility to act for the benefit of another*. As a fiduciary, you are expected to act with the utmost care and in the best interests of the estate, while also considering the interest of others who have a stake in or claim to the estate assets. At times, this may mean acting in a manner contrary to your own interests. Because being a fiduciary gives rise to certain legal obligations and responsibilities that require legal expertise, Texas law requires that you continue to be represented by an attorney who will assist you in representing those for whom you are responsible.

As the duly appointed Dependent Administrator or Dependent Executor, you are advised by the Court that you ***must*** do all of the following:

1. Consult with your Attorney (not the Court) on any matter regarding this estate that you do not understand.
2. Notify the Court (and your Attorney) of any change in your mailing address.
3. File your Oath and Bond within 20 days. You are “qualified” as soon as your Oath has been filed ***and*** your Bond has been approved. Your “qualification date” is the date the second of those events happens. You can get Letters of Administration once you are qualified.
4. Within 30 days, publish your notice to creditors of the estate in a newspaper of general circulation in this county, advising all creditors of your appointment. Within two months, you must mail a registered or certified letter, return receipt requested, to each secured creditor of the estate. You may also want to send permissive notice to other creditors of the estate. The handling of claims in dependent administrations is a complex undertaking, and, like other facets of your appointment, will require the assistance of your Attorney.
5. If decedent had a will, you must give a statutorily required notice to the beneficiaries named in the will within 60 days of the date the will is probated.
6. File your Inventory, Appraisement and List of Claims within 90 days.
7. If the estate is not closed within the first year, you must file an annual account not later than the 60th day after the first anniversary of your qualification date (see #3 above).

Until the estate is ready to be closed, you must continue filing annual accounts not later than the 60th day after each anniversary of your qualification date.

Talk to your attorney now about what will be required to prepare for your annual and final accounts. Understanding what information needs to be included and what records need to be kept as back-up will make the process much easier.

8. Separate estate business from your personal business. That is, DO NOT mix funds or conduct your operations in such a manner that estate business gets confused with personal business.
9. Place all estate funds in insured accounts ***in the name of the estate***. Retain in a checking account only enough funds as are reasonably necessary to pay the debts of the Decedent and the expenses of administering this estate. Place all additional funds in interest-bearing accounts at the highest interest rate then available.
10. Obtain a written order of the Court authorizing any expenditure of estate funds ***before*** any such expenditures are made unless the Estates Code expressly authorizes payment without Court order.
11. Maintain an accurate record of all expenditures and receipts of estate funds.
12. Preserve, protect, and insure (if insurable) all non-cash assets of the estate.
13. Obtain a written order of this Court ***before*** attempting to sell, lease, transfer, or otherwise dispose of any non-cash assets of the estate.
14. File your Final Accounting by the third anniversary of your qualification date, or earlier if the estate is ready to be closed, and seek the order of the Court authorizing the distribution of the estate in accordance with Court order or with the terms of the will when the estate has been finally administered. If the estate cannot be closed by the third anniversary of your qualification date, you must petition the Court for an extension and show sufficient cause as to why it should remain open.
15. You must obtain Court permission to move to another state or be absent from the state for more than three months.

Failure to abide by the law set out in the Estates Code is cause for your removal from your fiduciary position. Any damage and costs incurred by the estate as a result of these failures will subject you to liability on your bond.

Presiding Judge

I swear or affirm that I have read the previous two pages of this document (entitled *Court-Ordered Instructions for a Dependent Administrator/Executor*) and that I understand its contents.

Signature of person who seeks to be appointed dependent administrator or executor Date

STATE OF TEXAS)(
COUNTY OF _____)(

This instrument was sworn or affirmed before me on _____
by _____.

Notary Public, State of Texas

Notary's Name Printed:

My commission expires _____

By my signature, I – the attorney for the person who is seeking to be appointed dependent administrator or dependent executor of this estate – certify that I have discussed with my client the responsibilities of a dependent administrator or dependent executor.

Attorney: _____ (signature)

State Bar of Texas No. _____