

Texas Probate Checklist — Inherited Home Edition

A calm, step-by-step list for families settling an estate that includes a house.



1. The First Few Weeks

- Order several certified copies of the death certificate
- Secure the home: lock up, change locks if needed, remove valuables, forward the mail
- Call the homeowner's insurance company and ask about vacancy coverage
- Keep utilities on and the yard maintained
- Find the will, deed, mortgage statements, property tax bills and HOA information
- Don't sell, give away or move estate property until someone has legal authority

2. Choose the Right Path (with a probate attorney)

- Independent administration: an executor manages the estate with limited court supervision
- Dependent administration: the court supervises, and sales need court approval
- Muniment of title: the will is admitted without an executor when there are no unpaid debts other than real estate liens
- Small estate affidavit: no will, and the estate is \$75,000 or less, not counting the homestead and exempt property
- Affidavit of heirship: sometimes used to show who inherited real estate; ask your title company

Note: a will generally must be filed for probate within 4 years of the death

3. Executor Deadlines (Texas Estates Code)

- Oath filed within 20 days of the order appointing you
- Letters Testamentary obtained (many banks and title companies want copies certified within the last 60 days)
- Notice to creditors published within 1 month of receiving letters
- Notice to secured creditors (like the mortgage company) within 2 months
- Notice to beneficiaries named in the will within 60 days of the order admitting the will
- Affidavit or certificate of notice filed within 90 days of that order
- Inventory, appraisal and list of claims (or affidavit in lieu) within 90 days of qualifying

4. The House

- Keep the mortgage, property taxes, insurance and HOA dues current
- Get a market value of the home as of the date of death
- Decide with the heirs whether to sell, rent or keep the home
- Have the title company confirm early who can sign the listing, contract and deed
- Clean out, make needed repairs and prepare the home for market
- Close with an executor's deed and certified Letters Testamentary

5. Wrapping Up

- Pay valid debts and estate expenses
- File final income tax returns (talk to a CPA)
- Distribute what remains to the beneficiaries
- Close the estate

My Team

Title company: Independence Title or University Title

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This checklist is general information, not legal or tax advice. Trina Heinmiller is a REALTOR®, not an attorney. Every estate is different, so work with a Texas probate attorney.