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**A GUIDE FOR THE
TEXAS ADMINISTRATOR IN A
DEPENDANT ADMINISTRATION**

**DUTIES AND
RESPONSIBILITIES**

HEIRSHIP DETERMINATION:

During the pendency of the administration, it will be necessary for the Court to make a determination as to whom the property is to be delivered after the debts have been paid. This proceeding is referred to as an HEIRSHIP determination and it requires a hearing in open court wherein two witnesses appear before the Judge and relate the family history of the decedent. One of these witnesses must be an individual who is not inheriting from the estate.

CLOSING THE ESTATE:

The procedure to close an administration requires the filing of a verified final account. This account must show all property that has come into your hands as well as the disposition that has been made of such property. You must show the debts that have been paid. If any debts are still owing by the estate, these should also be outlined as well as the reasons for nonpayment. If any property remains in your possession it should be fully reported. It should also contain the names and addresses of those persons entitled to receive the estate, and their relationship to the decedent.

DATES TO REMEMBER

Date of Hearing:
Date of Qualification:
Date of Inventory:
Date of Annual Account:

A GUIDE FOR THE TEXAS ADMINISTRATOR IN A DEPENDENT ADMINISTRATION

INTRODUCTION:

You have just been appointed by this Court to a position of great trust and confidence. It is a position that carries with it a considerable amount of responsibility. The following guide has been prepared by my office as a supplement to the information given to you by your attorney. It is only a supplement and not a substitute for his advice.

Judge Robert J. Vargas
County Court at Law No. 1
Nueces County, Texas

ADMINISTRATION:

The administration of an estate involves 1) gathering the assets of the person who died, 2) paying his or her debts and 3) distributing the assets left to those who are entitled by law to have them.

QUALIFICATION:

Even though you have been appointed to act on behalf of this estate, you are not qualified to act for this estate until you have taken the oath of office and given a bond. Your oath should be taken and your bond approved by the Court no later than 20 days from the date of the order approving your appointment.

BOND:

Until the administration is closed, you are responsible for renewing the bond annually.

LETTERS OF THE ADMINISTRATION:

Once you have taken the oath and executed the bond you may order your letters of administration. These "letters" will serve as evidence of your appointment when dealing with third persons on matters concerning the affairs of this estate. You may order these "letters" from the Probate Clerk's office.

NOTICE TO CREDITORS:

Please consult with your attorney regarding the manner and time limitations of notifying secured and nonsecured creditors.

INVENTORY, APPRAISEMENT AND CLAIMS:

Within 90 days after your qualification, you must submit a complete inventory of the estate to the court and attach thereto a list of claims owing to the estate. The inventory must contain a complete list of all the real estate located within the State of Texas and a list of personal property, regardless of where it is located.

TAXES:

Consult your attorney to determine the size of the gross estate and your obligations, if any, to either state or federal taxing authorities. Both the state inheritance tax and the federal estate tax, if any, must be paid before any estate may be closed. See State Comptroller of Public Accounts Form 17-107 (Inheritance Tax Probate Certificate) if no inheritance taxes are due.

POWERS AND DUTIES:

Upon your qualification, it is your duty to take possession of all property belonging to the decedent. Any cash that you receive should be maintained in a bank account separate from your funds. You should

never commingle property belonging to the estate with your personal assets.

You must apply to the court for authorization to make expenditures, sell assets, borrow funds, make distributions and take almost all of the actions necessary in an administration of a decedent's estate. You must also observe the formal claims procedures in paying any claims against the estate. Consult your attorney for further clarification.

PROHIBITED ACTIONS:

The representative is prohibited from purchasing directly or indirectly any property of or claims against the estate.

CLAIMS:

In order to pay debts owed by the estate, you must submit an application to the Court and obtain written permission.

ANNUAL ACCOUNTS:

On the anniversary date, 12 months from the date of qualification you must file with the Court a verified annual account. It should demonstrate all receipts and disbursements that have occurred in the estate since the filing of the original inventory. It must also include the status of all claims pending against the estate and the nature and extent of all property currently being administered by you. Any cash or securities in your possession or held in safekeeping by any bank or depository must be verified by an appropriate letter or certificate. You must continue to file an annual account every 12 months until the estate is closed.

A failure to submit an annual account may result in court sanctions.