

IN THE MATTER OF THE
ESTATE OF:

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IN THE COUNTY COURT

AT LAW NO. 4 OF
CAMERON 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.
4. File your Inventory, Appraisal and List of Claims within 90 days.
5. If the estate is not closed within the first year, then file your Annual Account each year on the anniversary date of your appointment.
6. Within 30 days, publish in a local newspaper your notice to the creditors of the estate. 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 administration is a complex undertaking, and, like other facets of your appointment, will require the assistance of your Attorney.
7. Separate estate business from your personal business. That is, DO NOT commingle funds or conduct your operations in such a manner that estate business gets confused with personal business.
8. Place all estate funds in insured accounts in the name of the estate. Retain in a checking account only such 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.
9. 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.
10. Maintain an accurate record of all expenditures and receipts of estate funds.
11. Preserve, protect, and insure (if insurable) all non-cash assets of the estate.

- 12. Obtain a written order of this Court before attempting to sell, lease, transfer, or otherwise dispose of any non-cash assets of the estate.
- 13. File your Final Accounting when 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. Estates should be closed within three years of qualification.
- 14. 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.

I swear or affirm that I have read the 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

Phone: _____

Email: _____