

Probate Process and Cost (Texas)

The purpose of will probate is to transfer of estate assets to the beneficiaries as specified in the will. A will must be probated to be valid and pass title of property and assets. Attempting to carry out the desires of a deceased person prior to probate may create issue for the estate and incur unnecessary costs. One of the accomplishments of probate is to pass authority for the estate settlement to the executor named in a will and they are granted Letters of Testamentary.

Probate is a relatively simple procedure in Texas, normally requiring only one short Court hearing to prove death and probate the will for filing in the county records as evidence of title transfer. In most counties in Texas an attorney must file for probate of an estate. Some counties will allow an individual to file for probate in the case of a simple will but this varies by county. Most probate attorneys charge an hourly rate for probate plus Court filing fees. The probate process and costs will vary in Texas depending on the County of filing and the attorney but typical fees usually range between \$1,200.00 and \$2,500.00. This includes the Court hearing, filing fees and costs, notice to beneficiaries, published notice to creditors, and inventory, if necessary. Additional fees and costs are incurred if problems arise, or assistance is necessary in locating or transferring assets, resolving creditor issues, or pursuing claims.

The two most common types of will probate in Texas, are: (1) Muniment of Title, and (2) Independent Administration with Letters Testamentary. The type of probate depends on the facts of the case, and whether there are creditors and whether an administration is necessary. The probate attorney takes care of all legally required notices and filings. An inventory is not required in a Muniment of Title proceeding, and may not be required in an independent administration.

The Court requires a twelve day waiting period before the probate hearing. A routine probate hearing is scheduled and the hearing typically lasts less than 15 minutes. This one time trip to the courthouse is the only time the client needs to go to the courthouse, unless there is a contested matter.

The entire probate hearing and receipt of Letters Testamentary, if necessary, can normally be accomplished within three to four weeks depending on the courts schedule. If an individual dies without a will, an heirship determination may be necessary and if a dependent administration is necessary, normally because of creditors, the cost will be more than a normal probate.