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IN THE ESTATE OF

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IN THE COUNTY COURT AT LAW

NO. 1

ELLIS COUNTY, TEXAS

**COURT-ORDERED INSTRUCTIONS FOR A
DEPENDENT ADMINISTRATOR/EXECUTOR**
(Ellis County Required Form - Updated July 2025)

As soon as you have qualified as a Dependent Administrator or Dependent Executor, you will be a “fiduciary” – some 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 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 with 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 *last* of those events occurs and also serves as the beginning date for your annual accounting period. 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. 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 with 60 days of the date the will is probated.
6. File your Inventory, Appraisal 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. The Court will review each account at a hearing at which you will be required to attend and explain the need for a continuation of the administration. **The Court has a standard form which must be used for the Annual Accounts, a Word version is available on the Court's website. The supporting documentation for all income and expenses must be attached.**

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 backup will make the process much easier.

8. 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.
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 Account 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 a Court order or with the terms of the Will when the Estate has been finally administered. **If the Estate cannot be closed by third anniversary of your qualification date, you must petition the Court for an extension and show sufficient cause as 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.
16. **You may not distribute property of any sort to an Estate beneficiary or heir without obtaining a Court Order authorizing such distribution prior to making the distribution.**

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 and potentially to yourself personally.

JIM CHAPMAN, Presiding Judge
Ellis County Court at Law No. 1

I swear or affirm under penalty of perjury that I have read this document and that I understand its contents.

_____ (signed on __ day of _____, 202__)

Signature of person seeking to be named Dependent Administrator or Dependent Executor

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: _____

State Bar of Texas No. _____