If you will be handling the estate of a loved one or you are assisting someone with the job, you may have a general idea of what you need to do, but it can be hard to understand the specifics. It is essential to comply with local legal requirements which can vary by county in Texas.

As you're preparing to get started, here are four questions to consider.

What Preparations Were Made in Advance?

The first issue to determine is whether there are estate planning documents in place such as a will or trust. If the deceased person sets up a comprehensive estate plan, there may not be an actual estate to settle. On the advice of an estate planning attorney, the deceased person may have set up beneficiary clauses to transfer accounts and created a revocable living trust to transfer other property to alternate beneficiaries.

If all assets pass in other ways, they do not become part of the estate, and probate will not be necessary. The successor trustee will need to administer the trust by paying off debts, managing a few details and distributing assets to beneficiaries, but the process is much easier to manage than probate and no court supervision is required.

If there is property in an estate or if you're not certain, an attorney can help you assess the situation. But you should determine whether there is a will.

Should You Contact a Probate Lawyer?

In some Texas counties, a lawyer is required for the probate process. Even when an attorney is not required, however, guidance and assistance from an experienced

attorney can help avoid costly mistakes, so it is never a bad idea to at least consult a probate attorney.

You may not need to go through the full formal probate process, depending on the situation. An attorney can assess that for you. Depending on the circumstances, a probate lawyer could give you the information you need to handle matters on your own, or the attorney could manage the task on your behalf.

When an estate involves few probate assets, the administration process can be fairly straightforward. If there are more assets or if someone could contest the will, then probate will be more involved, and it may be very difficult to handle correctly without an experienced attorney.

What Tasks Will You Handle?

Whether you are administering an estate or a trust, you may be willing to take on most or all tasks yourself or you may want to delegate most tasks to your probate attorney or another professional.

The task of probate generally involves:

Inventorying and valuing assets
Notifying potential heirs and creditors
Acquiring tax ID numbers and setting up a bank account for the estate
Paying debts in order of priority
Selling assets if necessary
Filing tax returns
Distributing assets to beneficiaries or heirs
Providing an accounting to the court

The process begins by petitioning the court for authority to administer the estate and if there's a will, having the court certify the validity. In many instances, families have an attorney handle the initial opening of the estate and the interactions with the court, and then they manage specifics such as paying bills. Tasks can generally be divided according to your preference, however, so you should consider what you are willing to take on and what you would like others to handle.

Will You Need Help from Other Professionals?

Depending on the complexity of the situation, you may want advice and assistance from other professionals. For instance, if the deceased person left a business, you might need financial experts. If there is collectible property that needs to be sold to pay debts, you may need a professional appraiser. If there is real estate, you may need a caretaker or at least someone to mow the lawn. There are many factors to consider during the estate administration process, and the process usually takes at least six months to a year to complete.

The Nordhaus Firm Provides the Guidance and Assistance You Need When Settling an Estate

The process of estate administration can be overwhelming, particularly at a time when you have so many personal matters to handle. At The Nordhaus Firm, we are ready to assist whether you need full management of an estate or trust or you just want some advice to get started.

Contact us today to learn more about how we can help.