

If you have recently lost a loved one in Texas, it will be important to familiarize yourself with the probate process. Probate is the method the Texas courts use to administer the estates of individuals who die both with and without wills; and, while it is possible to structure an estate plan that largely avoids probate, in most cases at least some involvement with the probate courts will be required.

These resources will help you learn more about what you can expect over the weeks and months to come:

1. Types of Probate in Texas

Texas law offers a few different options when it comes to administering a loved one's final affairs. These include independent administration, court-supervised dependent administration and special options that are available for probating small estates. Our attorneys have prepared a summary of the different types of probate and an explanation of when each one is available: [Understanding Texas Probate](#).

2. An Overview of the Probate Process

Probate is a process, and heirs, beneficiaries, personal representatives and other interested parties all need to have a clear understanding of the steps involved. In [Understanding the Probate Process](#), we discuss these steps in chronological order, and provide an introduction to the concepts of will contests and probate litigation.

3. Potential Issues During Texas Probate

Do you need a lawyer to represent you during probate? While not legally required,

there are numerous benefits to hiring experienced legal representation. Issues can arise quickly, and having an advocate who only has your best interests in mind will help ensure that you take the necessary steps to protect your financial interests and legal rights. Learn more about potential issues during Texas probate.

4. Key Will Provisions that Come into Play During Probate

While many people use their wills to distribute some or all of their final assets, wills can serve a number of other important purposes. For some of the most common examples, you can read: [Preparing for Probate: Understanding Your Loved One's Will](#).

5. Creditors' Rights During Probate

As a general rule, in probate, creditors get paid first. However, creditors' rights are not unlimited, and Texas law specifies which creditors should get paid if the estate lacks the assets needed to satisfy all outstanding debts. We summarize what family members and personal representatives need to know in: [Understanding Creditors' Rights in Texas Probate](#).

6. Assets that are Excluded from Probate

As we mentioned above, there are a variety of estate planning tools that can be used to keep assets out of probate. As you prepare for the probate process, you will need to identify your loved one's non-probate transfer documents as well.

7. Your Role (and Responsibilities) as a Personal Representative

If you have been named as the personal representative (or “executor”) of your loved one’s estate, it is important to understand that you have legally-enforceable duties, and that failure to perform these duties can potentially lead to personal liability. For an introduction to what you need to know as a personal representative in Texas, we encourage you to read our primer on personal representatives’ responsibilities during probate.

Speak with a McKinney Probate Lawyer at The Nordhaus Firm

For more information about what to expect during the probate process, feel free to schedule a complimentary initial consultation. Our lawyers have represented numerous heirs, beneficiaries, personal representatives and other parties in probate administration and litigation throughout the McKinney area. To request an appointment, call (214) 726-1450 or submit our consultation request form today.