

## What Kind of Problems Can Arise During Probate?

Probate is a legal process for wrapping up someone's financial and legal affairs after they pass away. Depending on the situation, probate may not be necessary, or a simplified version of the process may be available. In many cases, however, regardless of whether the deceased person left a will, someone will need to manage the probate process.

Very often the person who ends up taking on the task is not sure of the steps to take and problems to watch for. While the easiest way to handle the situation is to hire an experienced estate administration attorney to guide you through the process, here is a brief overview of some of the potential problems that can arise during probate.

### Problems with the Will

When someone dies, a person close to them, usually a family member, starts reviewing the situation to see if the deceased person left a will or trust. The first problem, in some cases, is that it can be hard to locate a will and therefore hard to determine if there is one. Or there may be two or more versions of a will and it may be hard to know which is the correct one.

The probate court will review the will and determine its legal validity. A family member or someone named in the will might challenge the will on grounds such as:

- It's a forgery

- There's a newer will that supersedes the one in court

- Someone exerted undue influence over the deceased person that affected the terms

- The deceased person did not understand what they were doing when they made or altered the will

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In addition, someone might dispute the ability of the person named as executor, or that person might refuse to take on the role. If the court finds the will to be invalid for reasons such as lacking a witness or if someone challenges the will, the legal process will take longer and become more expensive to resolve.

## Problems with Property

Property left behind when someone passes away can be left in limbo during the probate process. If the deceased person had a revocable trust or designated property to pass through a beneficiary clause, the assets go to the new owners automatically with little or no difficulty. But property that becomes part of the estate needs to be managed carefully under probate rules.

The person managing the estate will need to inventory assets and take steps to ensure that all creditors are notified. Failure to do these jobs properly could subject them to personal liability. It may be necessary to sell property in order to pay off debts. Certain debts qualify to be paid before others. An estate executor who doesn't follow the rules properly might give assets to heirs that should have been used to pay debts.

## Working with an Experienced Attorney Can Help You Avoid or Manage Problems in Probate

Even the simplified probate process in Texas can be complicated in many cases. To avoid delays, costly problems, and potential liability, many people turn to the experienced team at The Nordhaus Firm for help with the probate process as well as trust administration. We'd be happy to talk to you about the ways we could assist in

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your case. Just give us a call at 214-726-1450 or contact us online at your convenience.