When you are named to serve as an executor or personal representative of someone's estate in Texas, you may feel a bit intimidated or even worried. That concern is not a bad thing.

The role of personal representative involves some very important duties and you need to take your job seriously. If you fail to follow proper procedures, you could be held personally liable.

For that reason, many people find it helpful to work with an experienced McKinney will attorney who can guide them through the process and make sure all legal requirements are satisfied from start to finish.

Beginning the Process

A personal representative, sometimes referred to as the executor of an estate, is the person responsible for winding up someone's financial affairs after they pass away. In many cases, the process occurs through court-supervised probate procedures. A McKinney will attorney can review a situation to determine whether an estate needs to be handled through formal probate or some other process.

If the deceased person left a will or trust, the document usually specifies who they chose to serve as their personal representative. Then the first step in the process is for the court to determine the validity of the will and approve the choice of representative.

If there is no valid will or no executor named, the court will appoint a personal representative and property will pass according to the laws of intestate succession.

Duties of a Personal Representative

Personal representatives are considered fiduciaries. That means they have a duty to act for the benefit of the estate rather than their own personal benefit. Decisions about paying bills and managing assets need to be made carefully to avoid breaching this duty.

While the full description of a personal representative's duties is too numerous to list and will vary according to the situation, some common duties include:

- Understanding the provisions in the will
- Inventorying assets
- Notifying creditors
- Paying bills of the estate and the decedent
- Preparing and filing tax returns
- Locating and notifying beneficiaries
- Distributing assets according to the will or applicable laws
- Preparing a final accounting and closing the estate

Some duties, such as filing required paperwork in court and satisfying legal guidelines for notifying creditors, can be performed entirely by a McKinney will lawyer on your behalf. For other jobs, a lawyer could explain what needs to be accomplished and how to perform each step in the process.

Guidance from a McKinney Will Lawyer Can Make All the Difference

Chances are, if you have been named personal representative in Texas, you are mourning the loss of a beloved family member or friend. Your position as representative reflects the trust placed in you and you will do your utmost to fulfill your duties.

However, mistakes can subject you to liability that would only add to your personal burden at this difficult time. For instance, the laws specify that certain creditors of the estate are entitled to be paid before others. If you pay bills in the wrong order or fail to provide appropriate legal notice to creditors or beneficiaries, you could be in serious trouble.

For your own protection and to reduce the stress in the situation, it is helpful to begin working with an experienced McKinney will lawyer as soon as possible. For a confidential consultation to find out how the dedicated team at The Nordhaus Firm

could guide you safely through probate, contact us today.