



301 Commerce Street, Suite 2500
Fort Worth, TX 76102
(817) 288-7800 – Main
(817) 288-7801 – Fax

CHANGE OF OWNERSHIP GUIDELINES

DOCUMENTS REQUIRED WHEN DECEDENT'S PROPERTY IS LOCATED IN TEXAS

A. Decedent died testate (left a Will) and was domiciled in Texas

Requirements include:

1. A certified copy of Will and Order Admitting Will to Probate in Texas.
2. Letters Testamentary.

These documents will enable us to remit payment directly to the representative until the estate is closed. When the estate is closed, we will require:

- a. A certified copy of the Final Order of Discharge, if issued.
- b. A certified copy of the Will and Order Admitting Will to Probate in Texas, if not previously furnished. The Will and Order Admitting Will to Probate, and, if issued, the Final Order of Discharge must be recorded in the Records of all counties where the properties are located.
- c. Estate Tax Closing Letter issued by the Internal Revenue Service as evidence that debts and taxes have been paid.

These documents will enable us to remit payment directly to the devisee(s) under the Will.

B. Decedent died intestate (no Will) and was domiciled in Texas

If an administrator has been appointed by a Texas court, we will require:

1. A certified copy of Letters of Administration.
2. A completed Affidavit of Heirship. The affidavit must be signed, dated, notarized, and filed in the Records of the Texas counties where all properties are located.

These documents will enable us to remit payment directly to the administrator until the estate is closed. When the estate is closed, we will require:

- a. A certified copy of the Final Order of Discharge, if issued.
- b. A completed Affidavit of Heirship, if not previously furnished. The affidavit must be signed, dated, notarized, and filed in the Records of the Texas counties where all properties are located.
- c. Estate Tax Closing Letter issued by the Internal Revenue Service as evidence that debts and taxes have been paid.

These documents will enable us to remit payment directly to the heirs according to the Texas Laws of Descent and Distribution.

If an administrator is not appointed, we will require:

3. A certified copy of the Death Certificate.
4. A completed Affidavit of Heirship. The affidavit must be signed, dated, notarized, and filed in the Records of the Texas counties where all properties are located.
5. Estate Tax Closing Letter issued by the Internal Revenue Service as evidence that debts and taxes have been paid.

These documents will enable us to remit payment directly to the heirs according to the Texas Laws of Descent and Distribution.

C. Decedent died testate and was domiciled in a foreign state

Requirements include:

1. Evidence of ancillary probate.
 - a. A certified copy of the Will and Order Admitting Will to Probate in Texas in accordance with Section 95 of the Texas Probate Code.
 - b. A certified copy of Letters Testamentary issued by a Texas court.

These documents will enable us to remit payment directly to the foreign executor. When ancillary administration has been completed, we will require:

- c. A certified copy of the Final Order of Discharge, if issued.
- d. A certified copy of the Will and Order Admitting Will to Probate in Texas, if not previously furnished. The ancillary probate documents must be recorded in the Records of all counties where the properties are located.
- e. Estate Tax Closing Letter issued by the Internal Revenue Service as evidence that debts and taxes have been paid.

These documents will enable us to remit payment directly to the devisee(s) under the Will.

Or

2. Muniment of Title Recording.

Section 96 of the Texas Probate Code, which offers an alternative to ancillary probate (Section 95), provides that when a Will conveying land in Texas has been probated in another state, an exemplified copy of such probate proceedings, including the Will and the exemplification certificate, may be filed and recorded in the Records of the county in which the Texas property is located without further proof or authentication. This process is sufficient to establish title to real estate in Texas and takes effect as a deed of conveyance of all property in Texas conveyed by the Will from the time such instrument is delivered to the clerk to be recorded (Probate Code Section 98). The filing and recording in this manner has no other effect except to construe the Will a muniment of title. It *does not* empower the foreign executor to act as an executor in Texas.

This will enable us to make payment directly to the devisee(s) under the Will.

After a foreign Will and its probate have been recorded pursuant to Section 96 of the Texas Probate Code, we will require:

- a. An exemplified copy of probate proceedings, including the Will and the exemplification certificate; showing recording in the Records of all counties where the properties are located.
- b. Estate Tax Closing Letter issued by the Internal Revenue Service as evidence that debts and taxes have been paid.

Limited Exception For Foreign Executor

Section 107 of the Texas Probate Code gives the executor appointed by the domiciliary court in a foreign state the authority to sell property in Texas belonging to Testator provided, however, that the Will so authorizes him to do so and the Will and a certified copy of its foreign probate are placed of record in the Records of the county in Texas where the property is located. However, this procedure should not be confused with recording of the foreign will as a muniment of title under Probate Code Sections 96 and 98. Because of the likelihood of confusion, the executor's deed allowed under Section 107 should be recorded at the same time as the Will and certified copy of its foreign probate. This process is sufficient to establish title in the buyer of the testator's interest to real property in Texas.

D. Decedent died intestate and was domiciled in a foreign state

If an administrator has been appointed by a Texas court, we will require:

1. A certified copy of Letters of Administration.
2. A completed Affidavit of Heirship. The affidavit must be signed, dated, notarized, and filed in the Records of the Texas counties where all the properties are located.

These documents will enable us to remit payment directly to the administrator until the estate is closed. When the estate is closed, we will require:

- a. A copy of the Final Order of Discharge, if issued.
- b. A completed Affidavit of Heirship, if not previously furnished. The affidavit must be signed, dated, notarized, and filed in the Records of the Texas counties where all the properties are located.
- c. Estate Tax Closing Letter issued by the Internal Revenue Service as evidence that debts and taxes have been paid.

These documents will enable us to remit payment directly to the heirs according to the Texas Laws of Descent and Distribution.

If an administrator is not appointed, we will require:

3. A certified copy of the Death Certificate.
4. A completed Affidavit of Heirship. The affidavit must be signed, dated, notarized, and filed in the Records of the Texas counties where all properties are located.
5. Estate Tax Closing Letter issued by the Internal Revenue Service as evidence that debts and taxes have been paid.

These documents will enable us to remit payment directly to the heirs according to the Texas Laws of Descent and Distribution.