
WORKSHEET 1—PROPER PROBATE PROCEDURE (PROBATE PATHFINDER)

Estate of _____

Circle the correct answer to the following questions. The instructions under each question will direct you to materials concerning a specific type of administration that may apply to this estate.

1. Is there a will that has been probated in another state or a foreign country?

If the answer is **YES** see Special Instruction 91—Ancillary Probate (AP) or Recording (RW) of Wills Previously Probated Elsewhere.

If the answer is **NO** or if original probate in Texas is desired (see Special Instruction 15—Jurisdiction and Venue) go on to the next question.

2. Is there an URGENT AND IMMEDIATE need for a personal representative of the estate?

If the answer is **YES** go immediately to Special Instruction 57—Temporary Dependent Administration (TDA).

If the answer is **NO** go on to the next question.

3. Is there a will?

If the answer is **NO** go to Question 8.

If the answer is **YES** go on to the next question.

4. Is there a need for administration? (There may be no need for administration if there are no debts that are not secured by real estate or for some other reason.)

If the answer is **NO** see Special Instruction 73—Muniment of Title (MT).

If the answer is **YES** go on to the next question.

5. Is there an independent executor named in the will, or an independent administrator designated pursuant to the will, who is alive, willing, and qualified?

If the answer is **YES** see Special Instruction 68—Independent Administration (IA).

If the answer is **NO** go on to the next question.

6. Will there be a testate independent administration by agreement?

If the answer is **YES** see Special Instruction 88—Independent Administration by Agreement Where Decedent Left a Will (TBA).

If the answer is **NO** see Special Instruction 17—Testate and Intestate Dependent Administration and then go on to the next question.

7. Is there an executor named in the will who is alive, willing, and qualified but who is not designated in the will as an independent executor?

If the answer is **YES** see Special Instruction 65—Administration with Dependent Executor (ADE).

If the answer is **NO** see Special Instruction 67—Administration with Will Annexed (AWA).

8. Will there be an intestate independent administration by agreement?

If the answer is **YES** see Special Instruction 89—Independent Administration by Agreement Where There Is No Will (IBA).

If the answer is **NO** go on to the next question.

9. Are you familiar with proceedings in lieu of administration?

If the answer is **YES** go on to the next question.

If the answer is **NO** see Special Instruction 29—Procedures in Lieu of Administration and then go on to the next question.

10. Do the estate assets, excluding eligible homestead and exempt property, exceed \$75,000?

If the answer is **NO** go on to the next question.

If the answer is **YES** go to Question 12.

11. Do the known liabilities of the estate, excluding those secured by eligible homestead and exempt property, exceed the estate assets, excluding eligible homestead and exempt property?

If the answer is **NO** see Special Instruction 63—Small Estates (SE).

If the answer is **YES** go on to the next question.

12. Is there a need for administration?

If the answer is **NO** see Special Instruction 60—Proceedings to Declare Heirship (PDH).

If the answer is **YES** see Special Instruction 69—Regular Dependent Administration (RDA).