A Guide to Executing Estate Planning Documents in Uncertain Times

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SAUNDERS NORVAL PARGAMAN & ATKINS

A Guide to Executing Estate Planning Documents in Uncertain Times

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We find ourselves in uncertain and unprecedented times. During the week of March 16th, I read both national, state, and local e-mails discussing methods for executing estate planning documents (which typically require witnesses, notaries, or both) while practicing social distancing. These e-mails also discussed potential or actual executive orders from governors' offices and emergency orders from state supreme courts. The purpose of this guide is to discuss execution requirements for typical estate planning documents here in Texas, how the physical presence requirements have been temporarily relaxed for certain notarizations, and suggested practices for document execution when multiple people will need to be in each other's presence. The suggestions you'll read here are not just mine, but also those of many other lawyers, both in Texas and nationally. While I haven't listed them all, I thank them for their ideas.

This guide is a work-in-progress, and suggestions for improving the guide are welcome. You may e-mail me at bpargaman@snpalaw.com. As I update this guide, I'll post the latest version on the Resources page of my firm's website (www.snpalaw.com/Resources).

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What's the Fuss All About?

Estate planning documents seem to be like toilet paper. Most people don't even think about them until the prospect arises that they may need them but not have them. Then they're in a rush to get them.

Shortly after this guide was originally posted, Gov. Abbott issued Executive Order GA-14 (on March 31st), which, while not initially called a "shelter-in-place order" by the Governor, was called the functional equivalent by news outlets. That order was superseded on April 17th by Executive Order

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