

Changing (Probate) Ships Mid-Stream

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INTRODUCTION

“I can’t change the direction of the wind, but I can adjust my sails to always reach my destination.” Jimmy Dean



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GOALS

- ♦ Muniment of Title to administration
- ♦ Intestate to Testate
- ♦ Independent vs. Dependent
- ♦ Guardianship considerations
- ♦ Death, resignation or removal of personal representative

MUNIMENT OF TITLE TO ADMINISTRATION

The Swiss Family Robinson

Mr. and Mrs. Robinson have been married for fifty years. They own a tree house on its own island and a car. All of their other assets have either a beneficiary or payable on death designation. Mr. Robinson died (trying to fight off those pesky pirates) and Mrs. Robinson wants the easiest (i.e. cheapest) way to settle his estate.

WHAT IS A MUNIMENT OF TITLE?

- ♦ Unique to Texas
- ♦ Transfers title to real and personal property without the necessity of a formal administration
- ♦ Decedent must have left a valid Will
- ♦ No executor or administrator appointed/No Letters issued

REQUIREMENTS

- ♦ The Decedent's estate must not have any creditors other than debts secured by real estate.
- ♦ There is no other necessity for the administration of the Estate.

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[Changing the Probate “Ship” Midstream: Possibilities and Limitations](#)

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