

A Guide to Executing Estate Planning Documents in Uncertain Times

Main Outline by
William D. Pargaman
Saunders, Norval, Pargaman & Atkins, LLP

Supplemental Comments by
Eric Reis
Thompson & Knight LLP

About the Presenter

Eric Reis counsels clients in estate planning, probate, charitable planned giving, and tax-exempt organizations matters. He is Board Certified in both Tax Law and Estate Planning & Probate Law by the Texas Board of Legal Specialization; is a Fellow of the American College of Trust and Estate Counsel (ACTEC); and is the Immediate Past Chair of the Real Estate, Probate & Trust Law section of the State Bar of Texas. He is also listed in Texas Super Lawyers, D Magazine's Best Lawyers in Dallas, and The Best Lawyers in America, where he was named Dallas Trusts and Estates Lawyer of the Year in 2018. He graduated with honors from Harvard College and the University of Texas School of Law.

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William D. Pargaman*

Partner, Saunders, Norval, Pargaman & Atkins, LLP.

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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 state 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 have n't listed them all, I thank them for the 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](#)

* Bill Pargaman has been a partner with Saunders, Norval, Pargaman & Atkins, LLP, since July of 2012 after spending the first three decades of his career with Brown McCarroll, LLP. (now Husch Blackwell LLP). He is a 1981 graduate of the University of Texas School of Law (with honors), Board Certified in Estate Planning and Probate Law by the Texas Board of Legal Specialization (since 1986), a Fellow of the American College of Trust and Estate Counsel (since 1994), past Chair of the Real Estate, Probate, and Trust Law Section of the State Bar of Texas (2015-16), a past member of REPIL's Council (2004-08), past Chair of REPIL's Estate and Trust Legislative Affairs Committee (2008-13), and past Chair of REPIL's Trusts Committee (2004-08). He has been recognized in "Best Lawyers in America" (since 2003), "Texas Super Lawyers" (Texas Monthly, since 2003), and "The Best Lawyers in Austin" (Austin Monthly, since 2002).

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First appeared as part of the conference materials for the
2020 Texas NAELA Summer Conference session

"COVID-19 Panel - Changes in Times of Uncertainty"