

CAUSE NO. \_\_\_\_\_

IN THE ESTATE OF

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§

IN THE PROBATE COURT

NO. 3

\_\_\_\_\_,  
DECEASED

BEXAR COUNTY, TEXAS

### COURT INSTRUCTIONS FOR THE TEMPORARY ADMINISTRATOR OF AN ESTATE

As the duly appointed Temporary Administrator of this estate, you are hereby advised by the Court that you must comply with the following statutory requirements:

1. **File your Oath or Declaration within 20 days after the date of the order appointing you as the Temporary Administrator** of this estate. *This is a mandatory requirement. § 305.052, Estates Code.*
  2. **File your Bond not later than the third (3<sup>rd</sup>) day after the date of the Order appointing you as the Temporary Administrator** of this estate. *This is a mandatory requirement when bond has been set by the Court. § 452.004, Estates Code.*
  3. **Send notice by qualified delivery method, as defined in § 22.0295, Estates Code, of your appointment as Temporary Administrator of this estate to all of the decedent's known heirs. This is a mandatory requirement.** The notice must include the following statements:
    - a. An heir or other interested person may request a hearing to contest the appointment not later than the 15<sup>th</sup> day after the date the letters of temporary administration are issued;
    - b. If no contest is made during the period specified by the notice, the appointment continues for the period specified in the order appointing a temporary administrator; and
    - c. The Court may make the appointment permanent.
- Copies of each notice with proof of delivery must be filed with the clerk. § 452.006, Estates Code.
4. A temporary administrator may exercise only the rights and powers specifically expressed in the Court's order appointing the temporary administrator, or those expressed in subsequent orders of the Court. § 452.101, Estates Code.
  5. Place all estate funds in insured accounts in the name of the estate; allow for interest bearing accounts when practical. Chap. 351, Estates Code.
  6. Obtain a written order of this Court authorizing ANY expenditure of estate funds before any such expenditure is made. Chap. 351, Estates Code.
  7. Maintain an accurate record of all expenditures and receipts of estate funds. Chap. 351, Estates Code.
  8. Preserve, protect and insure, if insurable, all non-cash assets of this estate. Chap. 351, Estates Code.
  9. Obtain a written Order of this Court before attempting to sell, lease, transfer or otherwise dispose of any non-cash assets of this estate. Chap. 356, 357, 358, & 360, Estates Code.
  10. At the expiration of the temporary appointment as provided in the Court's order, **you must file with the clerk a sworn list of all estate property that has come into your possession as temporary administrator, a return of all sales made by you as temporary administrator, and a full exhibit and account of all your acts as temporary administrator. This is a mandatory requirement. § 452.151, Estates Code.**

11. Consult with your attorney on any matter regarding this estate you do not understand. *Failure to comply with the mandatory requirements of the Texas Estates Code may result in penalties up to and including revocation of letters of appointment or other penalties as provided by statute.*



**Judge Barbie Scharf-Zeldes**  
Probate Court No. 3  
Bexar County, Texas

I, \_\_\_\_\_, the duly appointed Temporary Administrator of the above referenced estate, hereby attest that I have read the above and understand its contents.

\_\_\_\_\_  
Date

Signature \_\_\_\_\_  
Temporary Administrator

**NOTICE TO THE TEMPORARY ADMINISTRATOR:** These Instructions from the Court are intended to inform you of your duties and responsibilities under the Estates Code and under the orders of this Court, in order to facilitate your compliance. Your attorney should explain these instructions to you and ensure that a copy is provided to you. If you have any questions or there is any part of these instructions that you do not understand, consult your attorney. You are required to sign a copy of these Instructions and file it with the clerk. By signing this form, you are acknowledging that you have received these Instructions from the Court.

## **DIRECTIONS FOR FIDUCIARY**

As the TEMPORARY ADMINISTRATOR of this estate, you are a FIDUCIARY, entrusted with the care of the property of the estate and the shares of the estate that may be due to the Decedent's heirs at law until final distribution is made.

The following DO's and DON'T's are basic rules which you should follow to properly and conveniently perform your administrative and accounting duties:

### **DO**

1. Exercise ONLY those powers specifically granted to you by the Order appointing you as temporary administrator. If additional powers are needed, you must file an application and obtain an Order from the Court modifying your appointment.
2. Open a designated estate checking account that is SEPARATE from your own personal bank account. You must not mix estate funds with your own personal funds. This is for proper accounting of transactions relating to estate property and for tax considerations.
3. Use the estate checking account for all money paid out as authorized by the Court. The cancelled checks and bank statements are a reliable record of how you have spent the estate funds for administrative costs and distribution to the persons entitled to a share of the funds, if applicable.
4. Keep an accurate record of all receipts and all disbursements. Use a spreadsheet or accounting software to track all estate-related expenses and income. An accounting tracking form is attached for your convenience.
5. Consult your attorney regarding any questions you may have. Your attorney will prepare the Accounting required under Estates Code, § 452.151 using the information you have provided regarding the estate property at the time of Decedent's death and the information you provide in the estate accounting records regarding your actions as the Temporary Administrator.
6. Manage the assets of the estate as a prudent person would, exercising reasonable care, skill and caution, and in agreement with the court's direction or approval. Many fiduciaries consult with professional advisors such as a Certified Public Accountant (CPA), especially for larger estates.
7. Pay the bond premium(s) when due, if applicable – failure to maintain your bond could result in your removal as the administrator of this estate.

### **DO NOT**

1. Do not treat the property as your own, even if you are an heir or a relative. It is not yours until and unless the Court and the law determine that it is. Keep the estate property separate from your own property. **NOT DOING SO COULD BE A CRIMINAL OFFENSE.**
2. Do not delay in reporting to the Court when required. Follow your attorney's directions on signing papers and filing them with the Court.

## **BOND RESPONSIBILITIES**

If the Court has required you to file a bond:

- Your bond remains in effect until a final discharge is issued by the Court and is delivered to the surety. You must provide a copy of an order closing the estate and discharging the sureties on the bond to the person or company that signed as surety on your bond.
- Your bond must be in the amount ordered by the Court. The court must order all increases and decreases to the bond amount.
- The bond premium, including renewal premiums, must be timely paid and are a legitimate expense to the estate for which you are personally responsible for paying when due.

