

Small Estates Research Guide

Overview

This research guide includes information and resources on small estates. Small estate probate is an informal procedure for administering small estates, less structured than the normal process and usually not requiring the assistance of an attorney (*Black's Law Dictionary, 11th edition*). The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Estates Code

- Ch. 205 Small Estate Affidavit (Intestate Succession)
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.205.htm>
- Ch. 354 Summary Proceedings for Certain Small Estates
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.354.htm#354.001>
- Ch. 451 Order of No Administration
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.451.htm>

Secondary Resources in Print

8 Ways to Avoid Probate KF 750.Z9 R35

- Ch. 8 Take Advantage of Special Procedures for Small Estates

The Executor's Guide KF 778.Z9 R35

- Small Estates, p. 304-316

- Affidavits for personal property in small estates, p. 261-262

Texas Probate, Estate and Trust Administration KFT 1344.T465

- Vol. 2, Ch. 22 Small Estates

O' Connor's Texas Probate Law Handbook KFT 1344.H67

- Ch. 13-C Small Estate Affidavit

Texas Probate Forms and Procedure KFT 1344.T4B7

- Ch. 11 Small Estate Affidavit

O'Connor's Texas Estates Code Plus KFT 1344.A29 0265

- Ch. 205 Affidavit Small Estate
- Ch. 354 Summary Proceedings for Certain Small Estates
- Ch. 451 Order of No Administration

O'Connor's Texas Probate Forms KFT 1344.H66

- Ch. 13-C Small Estate Affidavit

CLE Materials

Estate Planning and Probate Drafting Course KFT 1340.A92

- 2021 Ch. 3 There's a Form for That: Retitling Assets in Estate Administration and Planning
- 2021 Ch.9 Marital Property Issues in Estate Planning
- 2018 Ch. 1 Deeds in Estate Planning and Probate
- 2018 Ch. 13 What to Know About our Probate and Planning Files: Preparing to the Defend he Estate Plan
- 2018 Ch. 8 Can't We All Just Get Along?: Drafting for Estate Administrations Involving

Surviving Spouses and Blended Families 2016
Ch. 4 The Ins and Outs of Drafting Accountings
for Trusts, Estates and Guardianships

- 2016 Ch. 17 Current Developments in Estate Planning and Probate Drafting
- 2015 Ch. 4 Top 10 Considerations for Drafting to Avoid Litigation

Online Resources

Small Estate Affidavits (Texas Law Help)

<https://texaslawhelp.org/article/small-estate-affidavits>

Small Estate Affidavit (NOLO)

<https://www.nolo.com/legal-encyclopedia/texas-probate-shortcuts-32076.html>

Texas Probate Passport (TYLA)

https://www.texasbar.com/AM/Template.cfm?Section=Free_Legal_Information2&Template=/CM/ContentDisplay.cfm&ContentID=35422

Small Estate Affidavit (Tarrant County Probate Courts)

https://access.tarrantcounty.com/content/dam/main/probate_courts/Documents/SMALL_ESTATE_AFFIDAVIT_instructions.pdf

When is it Proper to Use a Small Estate Affidavit?
(Rania Combs Law)

<https://raniacombslaw.com/resources/when-is-it-proper-to-use-a-small-estate-affidavit>

Avoid Probate in Texas with the Small Estate Affidavit
(Ryan Reiffert Law)

<https://ryanreiffert.com/estate-planning/small-estate-affidavit/>

Small Estate Affidavit (Aldrich Law Firm)

<https://www.aldrichfirm.com/probate/small-estate-affidavit/>

Where Do I Start With Probate After the Loss of a
Loved One? (Weisinger Law Firm)

<https://weisingerlawfirm.com/where-do-i-start-with-probate-after-the-loss-of-a-loved-one/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)