

Sale of Property of Minor or Ward Without Guardianship of the Estate
Texas Estates Code Chapter 1351

Minor/Ward has:

- Minor or Guardian of the Person without a Guardian of the Estate
- Interest in an estate with net value not exceeding \$100K

Venue:

- Same as for application for the appointment of a guardian

Application should contain the information required by Texas Estates Code Section 1351.002:

- The applicant and their relationship to the Minor/Ward
 - Please include last three digits of the applicant's social security number and driver license number
- Minor/Ward's name
- Legal description of real property or description that identifies the personal property
- Minor/Ward's interest in the property
 - How did the Minor/Ward receive the interest?
 - What documents show the Minor/Ward's interest in the property?
 - What is the Minor/Ward's fractional share of the property?
 - Who other than the Minor/Ward has an interest in the property, if so, what is their interest?
- Name of purchaser
- Statement that the sale of the Minor/Ward's interest in the property is for cash
- Statement that all money received from the sale of the interest in the property shall be used for the use and benefit of the Minor/Ward

Exhibits to Application:

- Legal description of property
- All documentation necessary to prove interest in the property
- Copy of the contract for sale
- Evidence of fair market value
- Copy of the seller's disclosure/settlement statement

Upon filing Application:

- Set hearing date no earlier than 5 days from the application file date
- The Court may cause citation to be issued
- File Proposed Order for Sale with proceeds paid into registry of the court (See Model Attached)

Hearing:

- The Court may require a guardian ad litem
- The Court may require an independent appraisal
- The Court may request witnesses

Upon Order of Sale:

- Purchaser to pay proceeds into the court registry

Withdrawal of Funds from Registry of Court:

- File application pursuant to Texas Estate Code Chapter 1355

PLEASE REVIEW THE TEXAS RULES OF CIVIL PROCEDURE, THE TEXAS ESTATES CODE, AND ALL OTHER APPLICABLE LAW. WHILE THIS IS A GUIDE, IT IS NOT EXHAUSTIVE OF ALL THE REQUIREMENTS UNDER TEXAS LAW