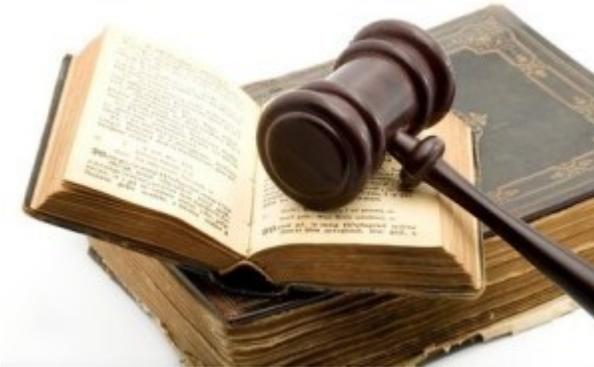


Article

Texas Probate Information: Muniment of Title



Muniment of Title is a legal document that shows evidence of ownership of an asset. Derived from the Latin word *munimentum*, it means written evidence of title to property. This includes deeds, wills, titles, or court judgments.

Heirs to an estate may file this type of action for the probate of the will by way of Muniment of Title. In this regard, the petitioner is asking the court to recognize them as the beneficiary of the properties in the estate and requesting the property titles be transferred to them.

This legal mechanism is unique to wills in Texas.

Advantages of Muniment of Title

If you know how to get a will probated in Texas, you know that usually the appointment of an estate Executor or Administrator as is normally required. However, Muniment of Title offers a streamlined process that bypasses the typical administration of a will.

By presenting the will before the probate court, the parties are basically asking the judge to recognize them as owners of the properties designated to them and that no other court action is necessary on the estate. In this case, the will acts like a deed proving ownership over a particular property.

Since the term muniment signifies an assertion of claim over a certain property, Texas Muniment of Title affords an easy and less expensive method of settling the decedent's estate.

This method, however, is most effective with regards to real properties. The same cannot be said with respect to bank accounts or similar assets of the decedent.

Since the concept of Muniment of Title is unique only to Texas and lawyers representing banks or other financial institutions are often from out of state, they do not have a solid grasp of Muniment of Title.

Requirements for Muniment of Title

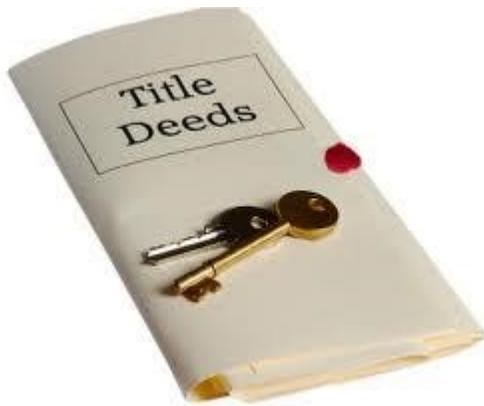
For a Muniment of Title to operate, there are a few requirements that must be met.

1. The decedent must have died leaving a will and real properties that are located in Texas.
2. The probate court must have jurisdiction over the estate of the decedent, and the citation has been served and returned.
3. The estate must also have no outstanding debts, except obligations that are secured by liens on the estate (such as real estate).
4. There is no need for administration of the estate.

When these requirements are met, the will may be probated as a Muniment of Title in Texas. In addition, the probate proceedings may carry on without the need for appointing an Executor or Administrator of the estate.

Why Do I Need a Muniment of Title?

EXAMPLE: A person has died leaving behind real property in Texas in his name. Now, this property cannot be sold or leased without the person's signature on the documents. The name of the decedent must, therefore, be removed from the title in order to allow his heirs to sell or transfer the property. A Muniment of Title allows the heirs of the property to do exactly that.



In a Texas Muniment of Title proceeding, there is no need for the appointment of an Executor. When the court issues an order, it can serve as a legal authority to all the heirs who have a stake in the property belonging to the estate to transfer the property without the need for an estate Executor or Administrator. These heirs have the right to deal with the property as if the title were in their names. Once the court signs and approves the order to admit the will to probate, the order may be used to collect bank accounts that were in the decedent's name.

With the streamlined probate process of Muniment of Title in Texas, the admission and probate of the will can be done in a single hearing. A will can be admitted as a Muniment of Title even after four years have passed from the date of death. There is also no requirement to do a notice to creditors or to file an estate inventory.

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