

# Probate and Guardianship

## Overview

The Probate and Guardianship attorneys at Munsch Hardt offer legal counsel and assistance to clients in all stages of the probate process, providing compassionate and experienced representation during a time that is often very emotional and stressful.

Our attorneys deal with many different issues related to the probate process, including:

### PROBATE LITIGATION

Probate litigation allows you to uphold the wishes of your loved one after they pass away, and disputes over wills and trusts are unfortunately not uncommon. At Munsch Hardt, our Probate Litigation attorneys have an intimate knowledge of the Texas Probate Code, and we can offer legal counsel and assistance in all stages of the probate process, including contesting wills, determining heirship when a person dies without a will, helping trustees pursue legal action against a negligent trustor and other probate-related issues. Our experienced team offers a variety of probate litigation services to fit your family's needs:

- Probate Litigation and Intestacy
- Contesting A Will
- Probate Litigation Lawyers Help

### PROBATE ADMINISTRATION

Probate is the process by which a person's estate is administered after they die, including locating assets, paying debts, and distributing property to heirs. A probate lawyer often walks family members through the process of administering an estate after the death of a loved one, ensuring that legal paperwork is filed correctly and in a timely fashion, representing loved ones in probate court, and answering questions about a process that can sometimes be confusing.

When a family member or loved one dies in Texas, the person's estate will typically have to go through the Texas probate process in order to properly administer the estate. Please click the links below for more information on administering the probate process.

- [Overview of the Texas Probate Process](#) – Read about what you can expect when starting the probate process in Texas when a loved one dies.
- [Probating a Will in Texas](#) – Probating a will in Texas is an important legal process that allows the heirs of a decedent to obtain their rightful share in the estate's assets. Learn how to get a will probated in Texas.
- [Determining Heirs in Texas](#) – A proceeding to determine heirship in Texas is typically used when a person who owns real or personal property, dies without leaving a will. Learn how to file an application to determine heirship in the state of Texas.
- [Texas Intestacy – The Process of Opening an Estate Without a Will](#) – If the decedent's assets cannot be automatically transferred and there is no will, then there are two avenues to opening an administration in Texas – independent administration and dependent administration.

- Muniment of Title – Transferring Property in Texas Without Appointing an Executor – This is exclusive to Texas and happens in cases where a decedent has left a valid will and real estate property in Texas that needs to be transferred.
- Texas Small Estate Affidavit – Read about the process of if a decedent dies without leaving any will and his estate is less than \$50,000 in value.
- What is Texas Probate Administration? – Texas Probate administration is the process by which a court oversees the payment of debts and the distribution of assets of a deceased person.
- Assets in Texas that Do Not Have to Be Probated – All assets do not necessarily need to be distributed by Texas probate. Read about the type of assets in survivorship accounts that are not probated.
- Ancillary Administration – Ancillary administration, sometimes also called supplementary administration, becomes necessary when the decedent owns property or perhaps even business holdings in a different state than the one in which he or she resides.
- Wills – Find out what you need to know about creating a valid will in Texas and how our attorneys can help.
- Contesting a Will – A will can be contested in Texas for many reasons. Find out those reasons and how to get help.

## GUARDIANSHIP

Munsch Hardt can assist with the complicated legal hurdles that address guardianship in the State of Texas. Guardians take care of a child's needs, including shelter, education and medical care. A guardian may also take part in the management of a child's financial assets.

The human responsibility of guardianship will often cross paths with the legal parameters of the role. If your family is considering guardianship or has questions about your status as a guardian, Munsch Hardt can assist with the following scenarios:

- Guardianship for a Minor
- Guardianship for the Incapacitated
- Filing Lawsuits Against Guardians

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## Common Texas Probate Questions

Probate is the process by which a person's estate is administered after they die. Having a will is the best way to ensure that you control the distribution of assets to your descendants. The will and probate process can seem complicated, time consuming and secretive. To ease the stress of the process, the Probate and Guardianship attorneys at Munsch Hardt have answered the most frequently asked Texas probate questions. Click the questions below to read more detailed information.

- Is there a time limit to probate a will?
- How do I get a will probated in Texas?
- Do I have to use an attorney to probate a will in Texas?
- On what basis can I contest a will?

## Experience

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## Practice Leaders



### R. Keith Morris

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## Related People

R. Keith Morris

## Related Practices

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Appellate  
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Financial Institution Litigation  
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Lawyer & Law Firm Litigation  
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Products Liability  
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Intellectual Property Litigation  
Employment Litigation  
Trade Secrets  
Tax Controversy  
Fiduciary Litigation

## Related Industries

Admiralty & Maritime  
Financial Services  
Construction  
Energy  
Health Care  
Hospitality  
Insurance  
Manufacturing  
Real Estate  
Retail  
Technology & Telecommunications  
Transportation  
Restaurants

## Newsroom

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**Article:** Common Texas Probate Questions: Is There a Time Limit to Probate a Will?

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**Article:** Common Texas Probate Questions: Do I Have to Use an Attorney to Probate a Will in Texas?

**Article:** Common Texas Probate Questions: On What Basis Can I Contest a Will?

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**Article:** Texas Probate Information: Determining Heirs in Texas

**Article:** Texas Probate Information: Texas Intestacy – Opening an Estate in Texas Without a Will

**Article:** Texas Probate Information: Muniment of Title

**Article:** Trusts Law Firm

**Article:** Guardianship: Frequently Asked Questions about Guardianship in Texas

**Article:** Guardianship: Guardianship for the Incapacitated

**Article:** Guardianship: Guardianship for a Minor in Texas

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**Article:** Fiduciary Litigation: Contesting A Will In Texas

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**Article:** Texas Probate Information: Texas Small Estate Affidavit for Estates Worth Less than \$50,000

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**Article:** Fiduciary Litigation: Filing Lawsuits Against Trustees in Texas

**Article:** Fiduciary Litigation: Partner Disputes in Texas

**Article:** COVID-19 Has Increased Demand for Estate Planning. Here's How to Do It Right

**In The News:** Munsch Hardt Adds Probate & Fiduciary Litigation Practice

**Press Release:** Munsch Hardt Adds Probate & Fiduciary Litigation Practice; Announces Highest Headcount in Firm History

**Article:** How to Terminate a Trust in Texas

**Article:** Removing A Trustee In Texas

**Article:** What Happens In a Texas Probate Hearing?

**Speech:** Dealing with MERP Claims Through Probate Proceedings

**Article:** What Happens If A Will Is Not Probated In Texas?

**Article:** What are the Duties of the Executor of a Will in Texas?

**Article:** Power of Attorney Abuse: What To Do If Someone You Know Is Affected

**Article:** Steps To Take When A Loved One Dies In Texas

**Speech:** Working with Creditors and Claims in Guardianship, Dependent and Independent Administrations

**Speech:** The Probate Process from Start to Finish