

Information & Instructions: Closing affidavit of an Independent Executor for an Independent Administration

PREVIEW

1. The independent executor's closing affidavit is used to provide a closing statement by the independent executor that the Estate has been closed.
2. It is authorized by Texas Probate Code Sections 149(b) and 151.
3. The form is analogous to a final account used in a dependent or court supervised administration.
4. It is suggested that the form be filed to protect the independent executor so that upon close of the Estate, his final actions may be made of court record and constructive notice provided to all interested parties.
5. Upon receipt of an accounting and after notice to the independent executor and a hearing, the court shall order the distribution by the independent executor to the persons entitled to the property.
6. If the court finds a continued necessity for administration, the court shall distribute the part of the Estate not subject to further administration.
7. If the property is not readily susceptible of distribution without partition, the court shall order a partition and distribution or sale.
8. The purpose of the sale is to provide for more prompt distribution of assets under independent administration.

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THIS DOCUMENT

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Form: Closing affidavit of an Independent Executor for an Independent Administration

PREVIEW
NO. _____

IN THE ESTATE OF

IN THE [PROBATE] COURT

[NAME],

NO; _____

DECEASED

[NAME], COUNTY, TEXAS

~~CLOSING AFFIDAVIT OF INDEPENDENT EXECUTOR~~
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Before me, the undersigned notary public, on this day personally appeared [name of

affiant], who after being duly sworn, stated upon [his or her] oath that:

I, [name], am the Independent Executor of the Estate of _____, Deceased, and submit the following final accounting and statement regarding the above Estate and certified the Estate to be closed.

~~1. INVENTORY AND APPRAISEMENT~~
THIS DOCUMENT

1.1 Attached to this affidavit as Exhibit "A" is a copy of the inventory and appraisement duly filed with the Court listing the decedent's property and its value.

2. CLAIMS AGAINST THE ESTATE

2.1 All required creditors have been duly notified as required by the Texas Probate Code regarding the decedent's death.

2.2 All known debts and proper claims against the Estate have either been paid or acted upon.

2.3 Exhibit "B" to this affidavit contains a list of all claims and/or debts against the Estate which have been paid by the undersigned Executor.

3. PROPERTY OF THE ESTATE

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3.1 The following property came into the hands of the undersigned Independent Executor and has been distributed to the devisees per Exhibit "C" attached to this affidavit.

PREVIEW

3.2 Exhibit "C" lists distribution of the assets, i.e., one house, known as [insert legal description and street address] to [name of devisee], devisee, pursuant to a Deed from Independent Executor to that devisee; one automobile described as follows to [name], one certificate of deposit to [name]; miscellaneous clothing and personal effects described as [description] to [name] devisee; [continue listing the distribution as applicable].

3.3 As of the date of signing this filing the Independent Executor retains no property of the Estate and all property of the Estate has been distributed as stated above.

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Independent Executor

State of Texas
County of _____

BEFORE ME, the undersigned authority on this day personally appeared [name of affiant], known to me to be the person whose name is subscribed to the foregoing account and acting in the capacity of Independent Executor of the Estate of _____ and having been duly sworn upon [his or her] oath stated to me that that account is true and correct.

THIS DOCUMENT

State of Texas
County of _____

Subscribed and sworn to before me on _____ by

THANK YOU

Signature of officer

Notary's typed or printed name

My commission expires:

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[or Notary's Stamp]
PREVIEW

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THIS DOCUMENT

THANK YOU

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