

**Information & Instructions: ~~Application to set aside exempt property~~**

**PREVIEW**

1. The following form requests the court to set aside exempt property for the surviving spouse and minor children.

**Form: Application to set aside exempt property**

NO. \_\_\_\_\_

IN THE ESTATE OF

IN THE [PROBATE] COURT

[NAME]

NO:

DECEASED

**PLEASE DO NOT COPY**

[NAME], COUNTY, TEXAS

**APPLICATION TO SET ASIDE EXEMPT PROPERTY**

[Name of applicant], "Applicant," requests the Court to set aside exempt property for the use and benefit of [identify, such as: Decedent's spouse and minor children] and would show to the Court as follows:

**THIS DOCUMENT**

1. The Inventory, Appraisal, and List of Claims of this Estate has been approved.

2. [Name of decedent], Decedent, died on [Date], and was survived by Decedent's spouse and minor children.

3. Decedent's surviving spouse and minor children do not have separate property adequate for their maintenance. [State whether the decedent's surviving spouse is a parent of the above stated minor children and, if not, state which children are the children of the decedent and surviving spouse and which came from a different marriage. Also specify which children are unmarried adults.]

**THANK YOU**

4. Applicant would show to the Court that the following described property belongs to the Estate and is exempt from execution or sale under the Constitution and the laws of the State of Texas. [describe property in detail].

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5. Applicant requests the Court to set apart for the sole use and benefit of decedent's surviving spouse and minor children, [names] pursuant to Section 271 of the Texas Probate Code the above described property.

**PREVIEW**

**PRAYER**

Applicant prays that the property be delivered to [name of surviving spouse] for the use and benefit of [name of surviving spouse and minor children].

Applicant requests the Court to enter an Order setting apart the above described property for the use and benefit of decedent's surviving spouse and minor children.

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Respectfully Submitted,

\_\_\_\_\_  
[Law Firm Name]

By \_\_\_\_\_

**THIS DOCUMENT**

\_\_\_\_\_  
[Attorney's Name]

Attorney for Applicant  
[Attorney's Address]  
[Telephone Number]  
[Facsimile Number]  
[Bar Card Number]

**THANK YOU**

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Form: Order setting aside exempt property

# PREVIEW

NO. \_\_\_\_\_

IN THE ESTATE OF

IN THE [PROBATE] COURT

[NAME],

NO; \_\_\_\_\_

DECEASED

[NAME], COUNTY, TEXAS

ORDER SETTING ASIDE EXEMPT PROPERTY

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On this date, the Application to Set Aside Exempt Property was considered and heard by the Court and the Court, having reviewed the application and the evidence offered in support of the Application, finds that it has jurisdiction of this matter and that the application is true and correct and should therefore be granted. It is therefore,

ORDERED, ADJUDGED and DECREED that the following described property is set apart for the use and benefit of the decedent's [described survivors, such as: surviving spouse and children] [describe property].

# THIS DOCUMENT

It is hereby ORDERED, ADJUDGED and DECREED that the above described property shall be delivered by [name of personal representatives or party that is in control of the property] without delay to the following persons: [list names and addresses to whom the property should be delivered].

Signed on \_\_\_\_\_

# THANK YOU

\_\_\_\_\_  
JUDGE PRESIDING

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