

Information & Instructions: ~~Application for appointment of temporary administration~~

PREVIEW

1. The purpose of the following form is to allow a person's Estate to be administered by a competent and trusted friend or relative pending a contest applicable to the probate of the will or the granting of letters of administration in a decedent's Estate.
2. The appointment's purpose is to preserve the Estate from waste pending the outcome of the contest.
3. In the event of a will contest, the appointment of a temporary administrator should continue until the will contest is settled or concluded. See Texas Probate Code Section 132(a).

PLEASE DO NOT COPY

THIS DOCUMENT

THANK YOU

LegalFormsForTexas.Com

Form Application for appointment of temporary administration

PREVIEW

NO. _____

IN THE ESTATE OF

IN THE [PROBATE] COURT

[NAME],

NO; _____

DECEASED

[NAME], COUNTY, TEXAS

PLEASE DO NOT COPY
APPLICATION FOR APPOINTMENT OF TEMPORARY ADMINISTRATION

[Name of applicant], "Applicant," and makes this application for the appointment of Applicant as Temporary Administrator of the Estate of [name], Deceased, and for the issuance of Letters of Temporary Administration and in support of this application respectfully shows to the court the following:

1. APPOINTMENT
THIS DOCUMENT

- 1.1 [Name], Decedent, died on [Date], in [location].
- 1.2 Decedent died [tEstate with a Last Will and Testament dated [Date] or intestate].
- 1.3 This Court has jurisdiction and venue because Decedent was domiciled and had a fixed place of residence in this county on the date of death.

2. NECESSITY OF APPOINTMENT

2.1 The interest of Decedent's Estate requires immediate appointment of a personal representative because [state the reason for the administration, such as: the business Decedent owned, (name of business), was operated as a sole proprietorship].

2.2 [State the necessity for an appointment, such as: [This is a going business located in [County], and in order to keep the business in operation, a authorized person must take charge

LegalFormsForTexas.Com

THANK YOU

of the business immediately so that the doors may remain open, sales can be made, goods ordered and paid for and payrolls met; or Decedent owned a large inventory of perishable property which must be sold before it spoils; or Decedent has a claim upon which a suit must be immediately brought before it is barred by the statute of limitations].

3. APPLICANT

3.1 Applicant would be a suitable temporary representative and is domiciled and resides at [address]

3.2 Applicant is not disqualified by law from serving as Temporary Administrator of t his Estate.

4. DUTIES

4.1 The Temporary Administrator of this Estate should be given the following powers:

- (a) To take charge and possession of the business known as [Name], located at [address], "the Business," including all of the assets belonging to the Business;
- (b) To carry on the usual and customary operation of the Business, including but not limited to, the power to collect all accounts receivables, to pay all accounts payable and other debts of the Business when due, to pay the salaries of all employees, to order and pay for additional goods and merchandise, and to do every other act necessary to continue the operation of the Business pending further order of this Court;
- (c) To execute and deliver any instruments necessary to continue the operation of the Business; to employ accountants, additional employees, and attorneys to assist in the operation of the Business and in this temporary administration; to pay court costs and all necessary expenses and attorney fees; to sue or defend lawsuits; and to exercise any rights necessary to protect the Business or any asset of the Business.

LegalFormsForTexas.Com

(d) To take possession of any and all cash on hand or on deposit belonging to the Decedent or to the businesses; to open accounts and to be the authorized signatory on the accounts; to borrow money to continue the operation of the businesses and to pledge any assets of the businesses to secure the payment of any loan;

(e) To execute and deliver [state any specific powers that you may request such as to execute deeds, deeds in lieu of foreclosure, contracts, earnest money contracts, enter into earnest money contracts, sell property, etc.].

PLEASE DO NOT COPY

Applicant requests the Court to make an immediate appointment of Applicant as Temporary Administrator of Decedent's Estate to serve in that capacity until discharged by order of this Court.

Respectfully Submitted,

THIS DOCUMENT

[Law Firm Name]

By _____

[Attorney's Name]

Attorney for Applicant

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

THANK YOU

LegalFormsForTexas.Com

Form Affidavit for an application for appointment of temporary administration

PREVIEW

NO. _____

IN THE ESTATE OF

IN THE [PROBATE] COURT

[NAME],

NO; _____

DECEASED

[NAME], COUNTY, TEXAS

PLEASE DO NOT COPY

I, [Name], having been duly sworn, upon his or her oath, swears that the statements in the foregoing Application are based upon my own personal knowledge and true and correct.

[Name] Applicant

Subscribed and sworn to before me on _____ by _____

THIS DOCUMENT

[Name].

Signature of officer

Notary's typed or printed name

My commission expires:

THANK YOU
[for Notary's Stamp]

LegalFormsForTexas.Com

Information & Instructions: **PREVIEW** Order appointing temporary administrator

1. An order should be entered appointing the temporary administrator.
2. The order must specifically detail the duties of the temporary administrator.

PLEASE DO NOT COPY

THIS DOCUMENT

THANK YOU

LegalFormsForTexas.Com

Form: Order appointing temporary administrator

PREVIEW

NO. _____

IN THE ESTATE OF

IN THE [PROBATE] COURT

[NAME],

NO; _____

DECEASED

[NAME], COUNTY, TEXAS

PLEASE DO NOT COPY

On this date, the court having heard and considered the Application for Appointment of Temporary Administration filed by [Name of applicant], "Applicant," and after hearing the evidence in support of the application, finds that [name of decedent], Decedent, is dead and four (4) years have not elapsed since the date of Decedent's death; the court has jurisdiction and venue over this Estate, and the interest of this Estate requires the immediate appointment of a personal representative. **THIS DOCUMENT**

Accordingly, the court finds that the Application for Letters of Temporary Administration should be granted and Applicant would be a suitable temporary representative. The court further finds that the Applicant is not disqualified from acting as such, and should be appointed temporary administrator of this Estate.

It is ordered that [Name of applicant] is hereby appointed temporary administrator of this Estate and shall give bond in the sum of \$ _____, conditioned as required by law; that unless this appointment is contested after service of citation, it shall be continued in force for that period of time as the court shall deem in the interest of this Estate, or it shall be made permanent, if found by the court to be necessary; that the clerk of this court shall issue Letters of Temporary

THANK YOU

LegalFormsForTexas.Com

Administration when the temporary administrator has qualified according to law; and that the temporary administrator shall have the following powers: [specify and detail powers].

PREVIEW

(a) To carry on the usual and customary operation of the business, including but not limited to, the power to collect all accounts receivable, to pay all accounts payable and other debts of the business when due, to pay the salaries of all employees, to order and pay for additional goods and merchandise, and to do every other act necessary to continue the operation of the business pending further order of this court;

(b) To take possession of all cash on hand or on deposit, belonging to decedent or to the business; to open accounts and to be the authorized signatory on those accounts; to borrow money to continue the operation of the business and to pledge any assets of the business to secure the payment of any loans;

(c) To execute and deliver any instruments necessary to continue the operation of the business; to employ accountants, additional employees, and attorneys to assist in the operation of the business and in this temporary administration; to pay court costs and all necessary expenses and attorney fees; to sue or defend lawsuits; and to exercise any rights necessary to protect the business or any assets of the business.

(d) [Specify any other powers].

It is hereby ordered that this appointment shall continue until [Date], and shall not exceed one hundred eighty (180) days, unless the appointment is made permanent as provided for by Section 131(a) of the Texas Probate Code.

THANK YOU

Signed on _____.

Information & Instructions: **PREVIEW**

1. The temporary administrator must also execute an oath similar to the oath of temporary guardian.

PLEASE DO NOT COPY

THIS DOCUMENT

THANK YOU

LegalFormsForTexas.Com

Form: Oath of administrator

PREVIEW

NO. _____

IN THE ESTATE OF

IN THE [PROBATE] COURT

[NAME],

NO; _____

DECEASED

[NAME], COUNTY, TEXAS

PLEASE DO NOT COPY

I do solemnly swear that [name of decedent], Decedent, died in [County, Texas] on [Date].

After having made a careful and thorough review of Decedent's records, [he or she] did not leave a lawful Will and therefore administration is necessary and I will faithfully perform all of the duties of the administrator of Decedent's Estate.

THIS DOCUMENT

State of Texas

County of _____

Subscribed and sworn to before me on _____ by

Signature of officer

THANK YOU

Notary's typed or printed name

My commission expires:

[or Notary's Stamp]

LegalFormsForTexas.Com

Information & Instructions: Letters of temporary administration

PREVIEW

1. Letters of temporary administration are frequently prepared by the clerk of the court. In the event the attorney must prepare them, the following form may be used.

Form: Letters of temporary administration

LETTERS OF TEMPORARY ADMINISTRATION

State of Texas

County of _____

I, [name of clerk] Clerk of the _____ Court of _____ County, Texas do hereby certify that on [Date], [applicant] qualified according to law as temporary administrator of the Estate of [name of decedent], Decedent, pursuant to Docket No. _____ in Court No. _____.

PLEASE DO NOT COPY

Accordingly, [name] was named temporary administrator and was granted the following powers: [state specific powers].

These Letters of Temporary Administration may serve as argument to prove the temporary administrator's capacity to act on behalf of Decedent's Estate.

These Letters of Temporary Administration shall not exceed one hundred eighty (180) days, unless the appointment is made permanent as provided for by Section 13.01(a) of the Texas Probate Code.

THIS DOCUMENT

Signed on _____

Seal of the _____ Court of _____ County, Texas

Clerk

By:
THANK YOU

Deputy

LegalFormsForTexas.Com