

# TEXAS PROBATE DEADLINES & TIMELINES

TYPE OF FILING	DEADLINES	Texas Estates Code
Opposition in probate proceeding	Any time before the court decides the issue	§55.001
Action to void marriage after death	Within one year of decedent's death	§123.102(c)
Action by representative to recover unpaid estate tax	Not required within 90 day period after IRS determination of the final amount of estate tax; no liability or surcharge if done within reasonable time thereafter if becomes uncollectible	§124.016
Application to access intestate's account information	No sooner than 90 days from decedent's death	§153.003
Proceeding to declare heirship of a decedent	Any time after a decedent's death, notwithstanding §16.051 (four years from date of accrual)	§202.0025
Admission of will to probate	No later than fourth anniversary of testator's death	§256.003
Action to contest validity of will	Not later than the second anniversary of the date the will was admitted to probate, OR the date forgery or fraud was discovered if seeking to cancel will on such grounds, OR incapacitated person's disabilities are removed	§256.204
Application for letters testamentary or for administration	No later than fourth anniversary of testator's death	§301.002
Opposition to application for letters of administration	Any time before an application for letters of administration is granted	§301.101
Period for taking an oath of personal representative	The 21 <sup>st</sup> day after the date of the orders granting letters testamentary or of administration	§305.003
Period for giving bond	The 21 <sup>st</sup> day after the date of the order granting letters, OR the date of any order modifying the bond requirement	§305.004
Granting of letters testamentary	Before the 21 <sup>st</sup> day after the date a will has been probated, if permitted by law	§306.001
Named executor present will for probate	Before 31 <sup>st</sup> day after testator's death	§306.002
Notice of probate of will	Not later than the 60 <sup>th</sup> day of after the date of an order admitting a decedent's will to probate	§308.002
Affidavit or certificate of notice of probate	Not later than the 90 <sup>th</sup> day after the date of an order admitting will to probate	§308.004
Notice to claimants	Within one month after receiving letters testamentary or of administration	§308.051
Notice to secured creditors	Within two months after receiving letters testamentary or of administration	§308.053

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Permissive notice to unsecured creditors	At any time before an estate administration is closed	§308.054
Deadline for claim by unsecured creditor	Before the 121 <sup>st</sup> day after the date of the receipt of the notice to unsecured creditor	§308.054 / §355.060
Inventory and Appraisalment	Before the 91 <sup>st</sup> day after the date the personal representative qualifies	§309.051/ §361.155
Written excuse by joint personal representative for failure to file inventory, appraisalment, etc.	Before the 61 <sup>st</sup> day after the date the representative files the inventory, appraisalment, and list of claims or the affidavit in lieu of an inventory, appraisalment, and list of claims	§309.055
Application to set aside exempt property, including homestead	Before inventory, appraisalment, and list of claims of an estate are approved or, if applicable, before affidavit in lieu is filed	§353.051(b)
Application For Family Allowance	Before inventory, appraisalment, and list of claims of an estate are approved or, if applicable, before affidavit in lieu is filed	§353.101(b)
Act on claim presented by deposit with clerk	Within 30 days of deposit or rejection presumed	§355.002
Objection to Form of Claim or Insufficiency of Exhibit or Voucher	No later than 30 <sup>th</sup> day after date claim is presented and filed or deemed waived	§355.007
Personal Representative Allowance or Rejection of Claim	Not later than the 30 <sup>th</sup> day after the date an authenticated claim is presented or deposited	§355.051
Court's action on claim	Within 10 days of allowed and entered claim on claim docket	§355.055
Suit on Rejected Claim	Not later than the 90 <sup>th</sup> day after the date of rejection	§355.064
Specifying Treatment of Secured Claim	Within later of six months after letters are granted, or four months after date notice under §308.053 is received	§355.152
Claim by Personal Representative	Within six months after the date the representative qualifies	§355.201
Report of Bid or Contract For Sale of Estate Real Property	Not later than the 30 <sup>th</sup> day after the date the bid is made or property placed under contract	§356.551
Account of Estate	Not later than the 60 <sup>th</sup> day after the first anniversary of the date a personal representative qualifies and receives letters	§359.001
Annual Account of Estate	Not later than the 60 <sup>th</sup> day after each anniversary of the date a personal representative qualifies and receives letters	§359.002
Additional accounts	At any time after expiration of 15 months from the date of original letters, upon written complaint by interested person	§359.006
Application for Partition and Distribution of Estate	Any time after the first anniversary of the date original letters granted	§360.001

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Application for partial distribution of estate	At any time after original letters are granted and the inventory, appraisal, and list of claims are filed and approved	§360.002
Application by surviving spouse for partition of community property	At any time after letters testamentary or of administration have been granted and an inventory, appraisal, and list of claims of the estate have been returned or affidavit in lieu filed	§360.253
Application for partition of jointly owned property	Any time after the first anniversary of the date original letters granted	§360.254
Application by removed personal representative for hearing regarding reinstatement	Not later than the 10 <sup>th</sup> day after the date the court signs order of removal	§361.054
Secured claims for money in an independent administration	Within six months after the date letters are granted OR within four months after the date notice is received under section 308.053, whichever is later	§403.052
Unsecured creditor claims in an independent administration	Before the 121 <sup>st</sup> day after the date notice under §308.054 is received	§403.055
Accounting in independent administration	Within 60 days of demand by interested person made any time after the expiration of 15 months from clerk issuance of letters	§404.001
Petition for accounting and distribution in independent administration	At any time after the expiration of two years after the clerk issues letters	§405.001
Objection to closing report in independent administration	Within 30 days of filing of closing report or notice of closing estate	§405.007
Application to revoke order of no administration	At any time, but not later than the first anniversary of the date of entry of order of no administration	§451.004
Distribution of estate of person presumed dead	Not until the third anniversary of the date court granted letters	§454.004