



MY OPINION

BY NATALIE COBB KOEHLER

PRESIDENT, TEXAS YOUNG LAWYERS ASSOCIATION

Navigating the Texas Probate Process

The *Texas Probate Passport* rolled off the printer in November and debuted at the Texas Young Lawyers Association's first Rural Estate Planning Clinic in Fredericksburg on Nov. 17. In my own rural office, I had constantly seen the need for powers of attorney, living wills, and medical powers of attorney, as well as estate planning guidance for small estates. One of my goals this year was to develop a project that could address these needs. **Rebekah Brooker**, a first-year TYLA director from Dallas and a probate attorney, answered the call.

The probate process is usually a necessary but unfamiliar stop that takes place after the death of a loved one. "The *Texas Probate Passport* is an informative resource that provides Texans with answers to basic questions about estate planning and probate, and outlines the probate process and alternatives to probate," Brooker says. "When families are grieving, simply being equipped with knowledge on what to expect and how to proceed can help bring comfort."

The *Texas Probate Passport* booklet begins by outlining issues involved when planning an estate. *To Will or Not to Will*, an existing TYLA project, was revitalized and updated as the first part of the *Passport*. This section outlines the disadvantages of dying without a will, distribution of community property, distribution of separate property, children and intestacy, executing a will to achieve the desired property distribution, non-probate assets, tax considerations, probate and estate administration, physicians' directives, powers of attorney, as well as a helpful document checklist.

The *Texas Probate Passport* is an informative resource that provides Texans with answers to basic questions about estate planning and probate, and outlines the process and alternatives.

The second portion outlines probate in Texas from start to finish. As stated in the *Passport*, it is intended to be an informative resource upon which you can rely to answer questions such as, "What do I need to do now that my loved one has passed away?", "What is probate?", "Do I have to go through probate?", and "What do I need to get started?" Section One is a detailed guide on what to do after someone passes away and includes important notifications and legal matters to be addressed. Section Two, entitled "The Probate Process," walks readers through the entire probate analysis and includes a detailed timeline for probating a simple estate in Texas. Section Three studies the alternatives to probate. This portion of the *Passport* ends with frequently asked questions as well as an exhaustive list of additional resources to help Texans in navigating the probate process. This important por-

tion of the *Passport* was created by several of our volunteer authors compiling the questions they are asked by clients on a daily basis.

Finally, the *Texas Probate Passport* concludes with a series of checklists that will help users outline what assets are in their estates and where those assets are located so that family members can be more aware of what assets exist in the estates.

While this guide is in no way intended to replace the advice of a lawyer, for small estates, the *Texas Probate Passport* is the perfect jumping off point to help potential clients know what to ask their attorney or help indigent families find alternatives to in-depth probates. TYLA hopes the *Texas Probate Passport* will fill an access to justice need while providing important estate planning and probate help to many citizens of our great state.

TYLA would like to thank the following people for their assistance with this project: **Geoff Gannaway, Jason Lemons, Steven Hallbauer, Amy Lewis, and Sarah Duff**. A special thanks goes out to **Jeannine Flynn** and the State Bar Real Estate, Probate and Trust Section for their support and help. **Sarah Rogers** and **Alyssa Long** served as TYLA Executive Committee advisors to this project. Our rural estate planning clinic was held at the Golden Hub in Fredericksburg and Fredericksburg attorneys **Carroll Bryla, Jennifer Bryla, Chris Schoessow, and Gayle Schoessow** joined us. We truly appreciate their lending their time to such a worthy cause!

For a preview of the *Texas Probate Passport*, see "Client Page" on page 92. For more information, visit tyla.org. ★