



Harris County Probate Courts

AFFIDAVIT IN LIEU OF INVENTORY

An amendment to Section 250 of the Texas Probate Code, effective September 1, 2011, enables independent executors and independent administrators (and their successors pursuant to Section 227) to file an affidavit in lieu of an inventory, appraisal, and list of claims if there are no unpaid debts, except for secured debts, taxes and administration expenses, at the time the inventory is due.

An independent executor or independent administrator may file an affidavit in lieu of inventory only if:

1. the decedent died on or after September 1, 2011;
2. the personal representative of the estate is an independent executor or independent administrator; and
3. there are no unpaid estate debts, other than secured debts, taxes and administration expenses, at the time the inventory is due. If the independent executor can pay all unsecured debts between the date he or she qualifies and the due date of the inventory, the independent executor or administrator may file an affidavit in lieu of inventory.

Even though the filing of an inventory may not be required, a full and detailed, verified inventory must be delivered to the beneficiaries of the estate. In addition, an interested person of the estate, including a possible heir of the decedent or a beneficiary named in a prior will, is entitled to receive a copy of the inventory on request. The independent executor or administrator is not liable to the estate or its beneficiaries if he acts in good faith and provides a copy of the inventory to a person he believes may be interested in the estate. Further, the court may compel an independent executor or administrator to provide an interested person with an inventory.

The affidavit in lieu of inventory should be signed by the independent executor or independent administrator and provide as follows:

1. all debts, except for secured debts, taxes, and administration expenses, are paid; and
2. all beneficiaries have received a full and detailed, verified inventory.

In addition, it is helpful if the affidavit states that the person making the sworn statement is the independent executor or independent administrator and provides the decedent's date of death. An example of an affidavit in lieu of inventory is attached hereto as Exhibit A.

Finally, pursuant to Section 256, the independent fiduciary must file a supplement to the affidavit in lieu of inventory if additional assets of the estate are discovered following the filing of the original affidavit.

Cause No. _____

IN THE ESTATE OF

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§
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IN PROBATE COURT

[NAME OF DECEDENT],

NUMBER ___ OF

DECEASED

HARRIS COUNTY, TEXAS

Affidavit in Lieu of Inventory, Appraisalment, and List of Claims

THE STATE OF TEXAS §

COUNTY OF HARRIS §

Before me, a notary public, personally appeared **[NAME OF PERSONAL REPRESENTATIVE]**, independent [executor or administrator] of the Estate of [name of decedent], Deceased, who under oath swore and affirmed as follows:

1. I am the independent [executor or administrator] of the Estate of [name of decedent], Deceased (“Estate”). The decedent died on the ___ day of _____, 2011 [must be on or after September 1, 2011].

2. All debts of the Estate, save and except secured debts, taxes, and administration expenses, are paid.

3. All beneficiaries have received a verified, full, and detailed inventory as required by law.

4. I am filing this affidavit in lieu of inventory, appraisalment and list of claims as permitted by Texas law.

[NAME OF PERSONAL REPRESENTATIVE]

Sworn to and subscribed before me on _____, 2011, by **[NAME OF PERSONAL REPRESENTATIVE]**.

[SEAL]

Notary Public, State of Texas