

ATASCOSA COUNTY JUDGES REPORT

I have been asked to redo a column I did some time ago about legal concerns when a loved one passes away. What should happen in the best case scenario are these points:

First, your loved one should have a pre-planned funeral filed with the funeral home. That does not cost anything, but it removes any issues for funeral arrangements. One may put requests in their will concerning their funeral; however, most of the time, the funeral is over before the will is probated.

Second, your loved one should have a will prepared in complete conformance with the Texas Probate Code. This means that it should not be a fill-in-the blank will. If you do not want to pay an attorney to do your will, "LegalZoom" is a good resource and their charges are reasonable. There are other internet options available. One good free one is 'texaslawhelp.org.' You need to hire an attorney if you have any complications, such as estate distribution, guardianship for children and their care, trust needs, or others. There are several criteria the will must meet to meet the Texas Estate Code, and it is essential to meet all of the rules. There are other ways to handle real estate, such as "transfer on death deeds." Joint accounts with a 'right of survivorship' are important because the fund will transition to the remaining person if one of the 'joint owners' passes away. Many financial accounts will do this, so it is essential to talk to each institution about their rules to set up joint ownership. So, there are ways to transfer assets, even vehicles, without a will. Hiring an attorney to ensure all your wishes are taken care of upon death is always a good idea. If you die without a will (intestate) or burial planning, you will create a hardship on your loved ones still alive who need to take care of your funeral desires and the disposition of your estate. The state has clear rules for those who die intestate. The distribution of assets is controlled by "intestate descent laws," which cannot be ignored. The rules must be followed, and your assets may not go to the people you want them to. Furthermore, intestate probate processing is more expensive than probate with an adequately done will.

Thanks for listening. May God bless us all. And, God, thank you for the rain. Please bring more! Amen.