

Estate Settlement Checklist

Weeks 1 through 12 after a loved one passes. Texas-specific guidance.

About this guide

This checklist is for the person responsible for settling the deceased's affairs — typically the executor named in the will, or the closest surviving relative if there is no will. Not legal advice; consult a probate attorney for any contested or complex estate. Vargas-Cabrera clients can call (214) 738-4276 for general guidance any time.

Week 1 • Immediate

- Obtain 10+ certified death certificates from the funeral home
- Locate the will and any trust documents
- Call the attorney named in the will (if any)
- Notify Social Security Administration (1-800-772-1213)
- Notify the VA if the deceased was a veteran
- Notify the deceased's employer (final paycheck, benefits)
- Notify pension administrators
- Secure the deceased's home (lock up, collect mail, check food)
- Make a list of debts known and creditors known

Week 2 • Short-term financial

- Notify all banks and credit unions holding deceased's accounts
- Begin transition of jointly-held accounts
- File life-insurance claims (certified death certificate per policy)
- Submit VA burial-benefits claim (VA Form 21P-530)
- Request Social Security survivor benefits if eligible (spouse, child)
- Notify health insurance carriers
- Collect at least 6 months of recent bank/brokerage statements

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Week 3-4 • Probate decision

Texas Small Estate Affidavit: For estates valued under \$75,000 (excluding homestead), probate may be avoided with a Small Estate Affidavit filed in the county where the deceased lived.

- Assess total estate value (minus homestead and exempt property)
- If under \$75,000 and no will contest: file Small Estate Affidavit
- If over \$75,000 or contested: engage probate attorney for formal probate
- Independent administration (most Texas probates) minimizes court oversight

Weeks 5-8 • Property and accounts

- Transfer vehicle titles (Texas DMV form 130-U)
- Transfer real estate deeds (requires attorney if probated)
- Close or transition credit cards
- Cancel subscriptions, streaming services, memberships
- Cancel or transition utility accounts
- Redirect mail (USPS Change of Address if applicable)
- Notify IRS of death (no separate form; filed with the final tax return)
- Update beneficiary on joint retirement and investment accounts
- Transfer safe-deposit box contents (requires court order if single name)

Weeks 9-12 • Tax and final accounting

- File the deceased's final income tax return (IRS Form 1040)
- File estate income tax return (IRS Form 1041) if required
- File Texas estate tax return if estate exceeds federal exemption (\$13.99M in 2026)
- Pay all known debts from the estate in Texas-statutory order
- Distribute remaining assets per will or intestate succession
- File final accounting with probate court (if probated)
- Close the estate bank account

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Common mistakes to avoid

- Closing accounts too quickly — banks need time to process the deceased's final transactions.
- Paying debts out of personal funds before assessing estate solvency.
- Distributing assets before all debts are paid (personal liability risk).
- Missing the IRS Form 56 (Notice of Fiduciary Relationship) if you're the executor.
- Forgetting to change beneficiaries on retirement accounts where spouse was named.

When to hire a probate attorney

Required for: formal probate (over \$75,000 estate), contested wills, out-of-state property, complicated creditor claims, or business ownership. Texas has an informal probate process (independent administration) that reduces attorney cost substantially — most probate attorneys will quote a flat fee of \$1,500-\$3,500 for uncontested independent administrations.

Free help and referrals

- Texas Legal Services Center: 1-800-622-2520 (probate help)
- Texas Bar lawyer referral: 1-800-252-9690
- AARP legal aid: www.aarp.org/legal-counsel-for-the-elderly
- Vargas-Cabrera will make attorney referrals for our client families at no charge — call (214) 738-4276