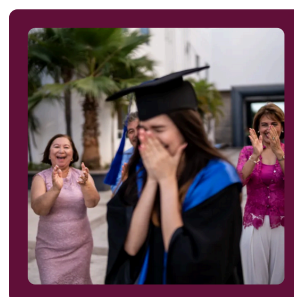
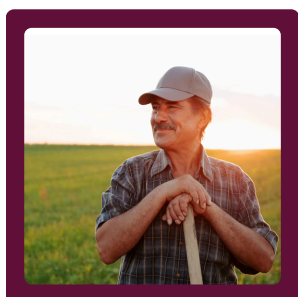




Estate Planning Handbook

*Because Your Family Deserves Peace,
Not Confusion*



About us:

My name is Jazmin Chavez, J.D., and I am your Legal Counselor at Law. I know firsthand how quickly life can change. In 2022, I lost my father suddenly to an aneurysm. In the midst of grief, my family faced difficult questions about how things would be handled. Thankfully, my father had left behind a will. His foresight spared us from confusion and conflict, and even in his absence, his love and guidance continued to protect us.

That experience shaped my calling. I realized that estate planning is not just about legal documents, it is about love, protection, and peace of mind. It ensures your wishes are honored, your family is cared for, and your legacy carries on with clarity instead of confusion.

With a background in litigation and estate planning, I bring both professional expertise and personal understanding to the table. My goal is to make this process simple, approachable, and meaningful for you. Because planning for the future isn't about inviting fear... it's about ensuring your family is cared for in exactly the way you intend. At **Zion's Shield**, we believe estate planning is one of the most profound acts of love. Together, we'll create a plan that reflects your values, safeguards your family, and provides the peace of mind you deserve.

Introduction: Why Estate Planning Matters

Estate planning is simply about making a plan for what happens to you and your property if you pass away or become unable to manage things on your own. In Texas, having a plan is especially important because it gives you the power to decide decisions such as: who will care for your children, who will receive your assets, and who will handle your affairs. Without a plan, the state steps in, and that often leads to confusion, delays in probate that can drag on for years, and in some cases, assets being lost or left unclaimed.

This guide will walk you through the basics of estate planning in Texas, in clear and easy-to-understand language. We'll talk about wills, trusts, probate, fiduciary responsibilities, key documents, and what happens if no plan is in place. We'll also touch on special family situations and explain common terms like executor, beneficiary, and intestate, so everything makes sense as you read.

Most importantly, remember this: planning ahead is an act of love. It makes sure your wishes are honored and it saves your loved ones from stress, uncertainty, and unnecessary costs.

Disclaimer! The information in this guide is for educational purposes only. It is designed to help you understand the basics of estate planning and to prepare you with better questions when meeting with an attorney. Reading this guide does not create an attorney-client relationship between you and me, and the content here should not be taken as legal advice. Every family's situation is unique, and estate planning involves important legal decisions that should be tailored to your specific needs and circumstances. For advice about your individual situation, please contact a qualified estate planning attorney licensed in your state. If you already have an attorney, use this guide to help you think through your goals, clarify your questions, and make the most of your planning session. Estate planning is too important to leave to chance, and while this guide will give you a solid foundation, only a licensed attorney who knows your full circumstances can provide legal advice that is right for you.

LAYING THE FOUNDATION

Meeting With Your Legal Counselor

When you meet with your attorney, you will be asked about basic personal information. In addition, the attorney will ask you to discuss information about your family, assets, and estate planning goals. You should be prepared to offer the following information, as applicable to you:

- Names and birthdates of your children
- Whether you have children who were adopted out of the family
- Names of current and/or former spouses
- Names of friends or family members who could serve in a fiduciary role for you
- Names of individuals or charitable organizations you wish to include as beneficiaries of your estate
- A detailed list of investment assets
- A detailed list of real property
- A detailed list of retirement accounts
- A detailed list of life insurance policies and/or annuity contracts
- An original or copy of any existing will or estate plan

Getting Familiar with the Terminology

- **Accounting** – A record showing the property received by a fiduciary, how it was handled or distributed, debts or expenses paid or still owed, and any remaining assets.
- **Agent** – A person authorized to act on another's behalf. In estate planning, agents may be appointed to handle finances, healthcare, placement, or final arrangements if you cannot do so yourself.
- **Beneficiary** – A person or entity that receives benefits from something, such as property or money. In a Will, may also be called a "devisee" or "distributee."
- **Executor** – The person named in a Will to manage and settle an estate. In Texas, executors usually act without court supervision, unless the estate is insolvent or special circumstances apply.
- **Estate** – The decedent's real and personal property subject to probate, excluding assets passed directly to others by beneficiary designations, joint ownership, or other transfer agreements.

- **Family Settlement Agreement** – An agreement between potential heirs or beneficiaries to resolve disputes over a Will's validity or a decedent's heirs.
- **Fiduciary** – Someone who manages money or property for another's benefit.
- **Fiduciary Duties** – Obligations to act with loyalty, honesty, fairness, integrity, and full disclosure toward those served.
- **Heir** – A person entitled by law to inherit part of an estate when someone dies without a valid Will.
- **Heirship** – The court process for determining who inherits an estate when there is no Will, or the Will does not cover all property.
- **Interested Person** – Anyone with a legal or financial interest in an estate, such as heirs, creditors, or spouses.
- **Intestate** – Dying without a valid Will.
- **Inventory** – A list of estate assets prepared by the Executor or Administrator.
- **Letters of Administration** – A court document authorizing someone to act as Administrator when the deceased left no Will or no willing Executor.
- **Letters Testamentary** – A court document authorizing someone named in a Will to act as Executor.
- **Probate** – The court-supervised process of validating a Will and distributing assets.
- **Non-Probate Assets** – Assets that transfer automatically outside of probate (like life insurance, retirement accounts, POD/TOD bank accounts).
- **Trust** – A legal arrangement where one party manages property for another's benefit. It can be revocable or irrevocable; if created in a Will, it is a testamentary trust.
- **Trustor / Grantor / Settlor** – The person who creates a trust by placing assets into it.
- **Trustee** – The person or entity responsible for managing trust property for the beneficiary.
- **Will** – A legal document that, if approved by the court (probated), names beneficiaries and fiduciaries.



LAST WILL AND TESTAMENT

Your Instructions to your Loved Ones for After You Are Gone

A Last Will and Testament (often just “will”) is a legal document that states your instructions for what should happen after you pass away. In your will, you can decide who inherits your property, name guardians for minor children, and appoint an executor to handle your estate. Here’s what a will does in plain terms:

- **Distribute Property:** You specify who gets what from your assets (money, property, possessions) after you die. This prevents confusion or fighting because your wishes are written out clearly.
- **Name an Executor:** You choose a trusted person (the executor) to carry out the instructions in your will – this person will gather your assets, pay any debts/taxes, and distribute the remaining property to your beneficiaries (the people you named to inherit) (We define “executor” and “beneficiary” below in the Definitions section.)
- **Nominate Guardians for Minor Children:** If you have children under 18, your will is where you name a guardian. This is the person you assign and trust to raise your children if both parents die. This is very important. If no guardian is named, a court will decide who raises your kids, and in a worst case, children could even be placed in foster care temporarily. A judge who doesn’t know your family might appoint someone you wouldn’t have chosen. Naming a guardian in your will helps protect your kids from that uncertainty.

- **Set Up Trusts for Children:** Through your will, you can create a trust for any inheritance left to young children. Typically, an adult (trustee) manages the money for the child’s benefit until the child reaches a certain age. This way, children don’t receive a large sum at 18 all at once, and you can ensure the funds are used for their care, education, etc. (More on trusts below.) If you don’t set up a trust and a minor child inherits money directly, a court may have to appoint a financial guardian and the child would have to wait to gain full control at 18, which is likely not what you want.

Main Takeaways:

A will is the cornerstone of an estate plan. It gives you control: you decide who will handle your estate, who will care for your kids, and who receives your property. In Texas, having a will can also make the legal process (probate) faster and smoother for your family. While a will alone doesn’t avoid probate, it ensures your wishes are followed and can reduce family conflict and court involvement. Every adult, especially those with children, should have a will so that YOU decide what happens to your loved ones and belongings.



TRUSTS: REVOCABLE VS. IRREVOCABLE

What They Are and How They Help

A trust is a legal arrangement where you transfer assets to a trustee to hold and manage for the benefit of someone else. Think of it as a special box for your assets: the trustee controls what's in the box according to rules you set, and the beneficiaries get the benefits. Trusts are very useful in estate planning for a few reasons as set out below. There are two main types of trusts:

ONE: Revocable Trust (Living Trust): This is a trust you create during your lifetime that you can change or cancel at any time (as long as you're mentally capable). You usually name yourself as the initial trustee and beneficiary, so you still control and use your assets as normal. Key points about revocable trusts:

- **Probate Avoidance:** Assets placed in a revocable living trust do not go through probate when you die. Instead, the person you assign can directly transfer those assets to your beneficiaries according to the trust terms. This can save a lot of time and keep the process private without court intervention.
- **Flexibility:** Because it's revocable, you retain full control! You can change beneficiaries, add or remove assets, or even terminate the trust if you wish.
- **Incapacity Planning:** If you become incapacitated, your successor trustee can quickly step in and manage the trust assets for your benefit without court intervention.
- **Important:** Assets in a revocable trust are still considered your property for taxes and creditors.

TWO: Irrevocable Trust: This is a trust that you generally cannot change or cancel after it's created. When you put assets into an irrevocable trust, you give up control in exchange for certain benefits:

- **Estate Tax Reduction:** Assets in an irrevocable trust are usually not counted as part of your estate for tax purposes. This can reduce estate taxes for very large estates.
- **Asset Protection:** Because you no longer own the assets, an irrevocable trust can protect assets from creditors or lawsuits in many cases. It also serves other special purposes, like a special needs trust, asset protection, or long-term care planning,
- **Inflexibility:** The big trade-off is lack of flexibility. You lose direct control over those assets and can't easily change the terms if circumstances change. For this reason, irrevocable trusts are typically used in specific planning scenarios.

When Trusts Are Helpful: Not everyone needs a trust, but consider it if you own real estate in multiple states, have a blended family, have privacy concerns, or want to plan for incapacity. A trust can streamline handling of your estate. Trusts can also benefit families with minor children, to manage money for them beyond age 18, and those with significant assets or special needs beneficiaries. We'll discuss these scenarios more later.



PROBATE IN TEXAS:

What It Is, How to Avoid It, and Why It Matters

Probate is the legal process in which a court recognizes a person's death and oversees the winding up of their estate. This may include paying off debts and distributing assets to heirs or beneficiaries. In Texas, probate can be relatively streamlined. This is especially true if you have a will and name an independent executor, but it still takes time and costs money. Here's are some things that you may want to consider:

- **What Exactly Happens in Probate:** After you die, if you have a will, the executor you named must file the will in probate court. The court formally appoints the executor and gives them authority through "Letters Testamentary" to act. The executor then notifies beneficiaries and creditors, inventories the estate's assets, pays debts and taxes, and distributes what's left to the beneficiaries as the will directs. If you died without a will, the court will appoint an administrator and Texas law decides who the heirs are. In summary, the court supervises certain steps to ensure everything is done properly.
- **How Long Does Probate Take in Texas?** It varies. Simple estates with a valid will, cooperative family, and a few debts, might be wrapped up in a few months. But more complex cases, such as: no will, disputes, lots of assets or debts, can take a year or more. **In fact, on average, Texas families can spend around 2 years dealing with probate court in some cases. During this time, assets might be tied up and legal fees accumulate.**

- **Costs and Privacy:** Probate involves court fees, and often attorney fees, which are paid from the estate. It's not usually astronomically expensive in Texas, but it can still means less money going to your family. Also, probate is a public proceeding. This means that the will and inventory of assets can become public record. Many people prefer to keep their family's financial matters private, which is one reason to plan to avoid probate.

Can Probate Be Avoided? Yes, with planning, you can minimize or even avoid probate for many assets. Here are common ways:

- **Living Trusts:** As previously discussed, assets in a revocable living trust avoid probate because the trust, not you individually, owns those assets.
- **Beneficiary Designations:** Certain assets pass directly to a named beneficiary outside of probate. Examples: life insurance, retirement accounts, payable-on-death bank accounts, and transfer-on-death designations. Thus, when you die, those assets go straight to the beneficiary you named, no court needed.
- **Joint Ownership with Right of Survivorship:** If you own property jointly with someone with rights of survivorship. For instance, a joint bank account with your spouse, or real estate titled with a survivorship agreement. Here, the surviving owner automatically owns the property at death.
- **Small Estate Procedures:** Texas allows a simplified process for estates under a certain size and a special shortcut if a will leaves only real estate. These can avoid a full probate administration in some cases.

Why Avoid Probate?

Avoiding probate can save your loved ones time, money, and hassle. By using tools like trusts and beneficiary designations, the transfer of assets can be much quicker and private, with no court delays. That said, probate in Texas, especially with a well-drafted will, is not as painful as in some states and considered a probate-friendly state. So avoiding probate is not an absolute must for everyone, *but it is certainly convenient and worth considering in your plan.*

FIDUCIARY DUTIES

Choosing Responsible People for Important Roles

Throughout your estate plan, you will assign certain trusted individuals to carry out your wishes. This includes an executor, trustee, guardian, or an agent under a power of attorney. These people are fiduciaries. A fiduciary is someone who has a legal duty to act in another person's best interest. Fiduciary duty means they must be loyal, honest, and careful with the responsibilities you give them, putting your (or your beneficiaries') interests above their own.

Examples of fiduciaries in estate planning:

- An **Executor** of a will must manage the estate for the benefit of the heirs/beneficiaries, not for personal gain.
- A **Trustee** of a trust must follow the trust instructions and act in the best interests of the trust beneficiaries, prudently managing the trust assets.
- An **Agent under a Power of Attorney** must use your money or make decisions only to benefit you, the principal— not themselves.
- A **Guardian** of a child or incapacitated adult must act in the best interests of that person (called the ward).

Choosing Fiduciaries Carefully: Picking the right people for these roles is one of the most important decisions in your estate plan.

Here are some tips and factors to consider:

- **Trustworthiness & Integrity:** Above all, choose someone honest and dependable. This person may be managing money or making major decisions for you or your kids. You need to trust that they will do the right thing even when no one is watching.
- **Willingness to Serve:** Being an executor or guardian can be time-consuming. Always ask them in advance if they're comfortable serving. It's also wise to name back-ups in case your first choice is unable to act when the time comes.
- **Age/Health:** Consider the person's age and health. For guardians of young children, you want someone who can handle the energy and commitment.
- **No Conflicts of Interest:** Pick someone who will be fair. If you have a complex family situation, think about whether the person will treat all beneficiaries impartially. It helps if the person gets along with your family or at least can be professional.

What if you don't have someone to name?

Some people worry they have no one suitable. In that case, you can name a professional fiduciary: for example, a bank or trust company to be trustee, or an attorney or CPA to be executor. They will charge a fee but they bring expertise and neutrality.

Fiduciary duty is a serious legal obligation. Be sure to choose people who are responsible and trustworthy to fill roles like executor, trustee, guardian, and agent. It's a good idea to discuss your wishes with them so they understand your goals and are willing to serve. A well-chosen fiduciary is key to a smooth estate plan. They're the ones who will make sure your instructions are carried out when you're not there to do it yourself.

IMPORTANT ESTATE PLANNING DOCUMENTS

Beyond the Will and Trust

A complete estate plan doesn't just decide who gets your property when you pass away. It also makes sure you're protected while you're still alive. To cover all these bases, your plan should include ancillary documents that work together to make sure nothing is left uncertain. Here are the key ones and what they do:

Durable Power of Attorney (Financial): A power of attorney is a document which enables another person to serve as your agent to make financial decisions for you. Often the power of attorney will itemize specific powers being granted to the agent. The agent is usually a close family member or trusted friend and should not be an unrelated caregiver. The durable power of attorney is effective immediately and remains in effect until the revocation or death of the principal. It is referred to as "durable" because it remains in effect if the principal becomes incapacitated. It is a good idea to name one agent and at least two alternates, if possible.

Medical Power of Attorney: This is for health care decisions. If you're ever unable to speak for yourself (like in surgery or a coma), this document lets someone you choose talk to your doctors and make medical choices for you. You're still in control while you're well. This only kicks in if you're not able to make your own decisions.. Most people choose a spouse, trusted family member, or close friend. Someone who knows what kind of care you'd want. It gives them the legal power to speak up for you when it matters most.

HIPAA Authorization: The HIPAA Authorization enables the persons you designate to receive your medical information that would otherwise be protected by the Health Insurance Portability and Accountability Act.

Advanced Directives to Physicians (Living Will): The physician's directive (or "living will") is designed to communicate your wishes to your physician as it relates to life sustaining treatments and procedures in the event you are incapacitated and have an injury or illness which is irreversible or terminal.

It removes the power to make the decision to withdraw life sustaining treatments from your health care agent. You also may specify particular health treatments and procedures in the event you want those particular treatments or procedures discontinued under any circumstance.

Designation of Guardian: The Designation of Guardian in the Event of Incapacity enables you to name guardians for your person and estate and for the person and estate of your minor children in the event you become incapacitated. With a complete estate plan in place, the need for a guardianship is unlikely. However, designating guardians helps prevent guardianships instituted by persons who are not named in your estate plan.

Disposition of Remains (Appointment of Agent): This document gives you the chance to say exactly what you want to happen to your body after you pass. You can also name someone you trust to carry out those wishes. You might say you want to be cremated, buried in a certain place, or have a particular type of service. This may be especially important when you have specific religious beliefs. Being clear about your wishes can take a huge weight off your loved ones during a time of grief and avoid arguments or confusion.

Anatomical Gifts (Organ and Tissue Donation): This is where you say whether or not you want to donate your organs or tissues after death. & may require filing with the proper agencies. You can be as general or specific as you want. Writing it down takes the pressure off your family to make that decision later. You can also say you don't want to donate anything, and that's okay too. What matters is having your wishes clearly stated.

Special Considerations for Unique Family Situations

Every family is different. Estate planning is not one-size-fits-all, and certain family situations call for extra attention in your plan. Here are a few special scenarios and tips on handling them in Texas:

Families with Minor Children: If you have young kids, your top concerns are likely 1. who will raise them in the event of your death, and 2. how to provide for them financially in a responsible way. As discussed, you should nominate a guardian in your will for each child. Talk to the person you're considering to make sure they're willing. It's wise to also name alternates in case your first choice can't serve. Next, think about money: **Minors cannot inherit large sums outright.** If you leave assets directly to a minor without a trust, the court will probably appoint a guardian of the estate or require a custodial account to hold the funds until the child is 18. At 18, the child gets everything, which might not be ideal. The better strategy is usually to set up a trust for the child (*either a trust in your will or a living trust*). You can then specify that the trustee manage the funds and use them for the child's needs (education, health, etc.), and perhaps distribute the remainder to the child in stages rather than a lump sum at 18. This approach protects the child's inheritance and ensures it's used for their benefit. **Also, consider purchasing life insurance when you have minor kids as it can provide needed funds to raise them if you die unexpectedly.**

Blended Families (Second Marriages, Stepchildren): Blended families are more common than ever. But the law may not reflect your personal wishes unless you spell them out. In Texas, if you pass away without a will, stepchildren won't inherit anything unless you legally adopted them. So if you want a stepchild to inherit, make sure to name them in your will or trust. If you have children from a previous relationship and remarry, you'll likely want to provide for your new spouse and still leave something for your kids. If you leave everything to your spouse, your children could end up with nothing. Especially if your spouse remarries or has other children. You can use a trust to give your spouse what they need during their lifetime, then pass the rest to your children later. Or you can divide things when you pass away, giving some directly to your children and some to your spouse. It's also important to review how assets are titled and who's listed as beneficiary on accounts like life insurance or retirement plans. Communication and good planning can help avoid confusion, conflict, and unintentional disinheritance.

If You Have a Child with Special Needs: Planning for children who have special needs is important to preserve the child's access to government benefits including Medicaid and supplemental security income. Your will or revocable living trust should include a trust for the special needs child; and the trust should include language limiting the distributions made for the child's benefit to insure that distributions are not being made for services or treatments which would otherwise be provided by a governmental program.

Non-Citizen Spouses: If your spouse is not a U.S. citizen, special rules apply, especially regarding estate taxes. Normally, assets left to a U.S. citizen spouse are exempt from federal estate tax. However, a non-U.S. citizen spouse does not automatically get that unlimited marital deduction. This means if you have a large estate above the federal exemption and you leave it all to a non-citizen spouse, the amount above the exemption could be taxed. The solution often involves setting up a Qualified Domestic Trust (QDOT) in your will or trust – a special type of trust that defers estate taxes for a non-citizen surviving spouse. If your estate is below the taxable threshold, this may not be a concern, but it's something to be aware of as laws change. Aside from taxes, also consider immigration implications: for example, if you're leaving property or accounts to a spouse who lives abroad or isn't a resident, ensure they'll be able to access those assets (some financial institutions have rules about foreign account holders). It may also be wise to involve an attorney knowledgeable in international aspects to coordinate any assets in other countries. In short: if you or your spouse are not citizens, get professional advice to ensure your plan is tax-efficient and practical. One size does not fit all here.



Special Considerations for Unique Family Situations

Every family is different. Estate planning is not one-size-fits-all, and certain family situations call for extra attention in your plan. Here are a few special scenarios and tips on handling them in Texas:

Business Owners: If you own a business, you need a plan for what happens to it when you're gone. Your will can pass ownership to someone, but that's only part of it. You might also want to set up a succession plan or an agreement that lays out what should happen, whether it's sold, passed on, or closed. You can also place your business in a trust to avoid probate. The goal is to name someone who understands the business or can follow clear instructions to keep things going or wrap it up properly. This is a complex area, but it's important to protect everything you've built and ensure your family knows what to do.

If you are in a Committed Relationship: If you're in a committed relationship but not legally married, Texas law will not recognize your partner as an heir if you die without a will. They could receive nothing.

Even if you're separated but still legally married, your spouse could still inherit everything unless you update your estate documents. To protect an unmarried partner, you need to name them in a will, trust, or beneficiary forms. That way, they'll have a legal right to inherit. It's also important to name each other in powers of attorney and HIPAA forms. Without them, your partner might not be allowed to make medical decisions for you or even get updates from doctors.

Estate planning gives you the power to choose who matters most to you and ensures they're not left out during difficult times.

Retirement plans (IRAs and 401(k)s): When you think about your retirement accounts, like an IRA or a 401(k), the most important thing to remember is this: the beneficiary form rules everything. Whatever names are on that form will decide who gets the money. Your will or living trust won't matter unless you've specifically listed the trust on the account as the beneficiary.

If you're married, naming your spouse as the main beneficiary often makes the most sense. That's because the law gives spouses special tax benefits, like being able to roll the account into their own IRA and keep it growing. Anyone else who inherits usually has to empty the account within 10 years under current rules.

It's also smart to list a backup beneficiary. If you want to name a trust, that trust has to meet certain IRS rules so the government treats the real people behind it as the beneficiaries. Otherwise, the payout rules can be much less flexible. And here's something people miss: some employer plans are stricter than the tax rules. The plan documents themselves can limit how money is paid out, so it's worth checking.

One last word of caution: don't name minor children directly. Kids can't manage retirement funds on their own, so a court would have to get involved. A trust or custodial arrangement is usually the safer path.

Life insurance and annuities: Life insurance and annuities work the same way. They pass straight to the people listed on the beneficiary form, not through your will. Unless you've named your estate or a trust as the beneficiary. If no one is listed, the money may end up going through probate, which can delay things.

And again, avoid naming children directly. If you want the money to go to them, do it through a trust so an adult can manage it responsibly until they're old enough.

Pulling it all together! So, if you want to make sure your retirement accounts, life insurance, and other assets go where you intend, the key is paying close attention to beneficiary forms. Use trusts when needed, don't list minor children directly, and be mindful of federal tax thresholds. Even though Texas doesn't add another layer of tax, these federal rules can still have a big impact on how much actually reaches your family.

& Finally, these are complex rules, so before finalizing beneficiary designations or trust arrangements, it's worth sitting down with an estate planning attorney or CPA. They can make sure the paperwork matches your intentions.



Dying Without a Plan in Texas: Intestacy and Its Consequences

What happens if someone dies without a will or any estate plan in Texas? This is called dying intestate, and Texas statutes will determine how that person's assets are distributed. It's essentially the state's preset plan for you, which may not align with what you would have wanted. Here's a brief overview of intestate succession in Texas and who gets what under Texas intestacy and why it's usually undesirable:

Married with only mutual children (all children are from that marriage): All community property ends up with the surviving spouse. For separate property, the split is different: the spouse receives one-third of the separate personal property (cash, investments, personal items) and a life estate in one-third of the separate real estate; the children receive the other two-thirds of the separate personal property and the remainder interest in that one-third of real estate plus the other two-thirds of the real estate outright. In short, even when all children are mutual, the spouse does not automatically get all of the separate property.

Married with children from a prior relationship (a blended family): Here, the law takes a sharp turn from what many families assume. The surviving spouse keeps their own half of the community property, but the decedent's half of the community property goes to the decedent's children (from all relationships). Separate property is divided the same way as above: spouse gets one-third of separate personal property and a life estate in one-third of separate real estate; the children get the rest. This can leave a surviving spouse co-owning assets with stepchildren, and in some cases it can even complicate continued use of the home.

Married with no children (but with surviving parents or siblings): With no descendants, the spouse receives all community property and all separate personal property, but only one-half of the separate real estate. The other half of the separate real estate goes to the decedent's parents or, if they are deceased, to siblings (or their descendants). If there are no surviving parents or siblings, the spouse receives the rest.

Single with children: Everything passes to the children in equal shares. If a child has died before the parent but left descendants, those descendants take that child's share by representation.

Single with no children: Property moves up the family tree. If both parents are alive, each takes half. If only one parent is alive, that parent shares with the decedent's siblings (with the parent taking at least half). If there are no parents, it goes to siblings (or their descendants). If none, it moves out to more distant relatives—grandparents, aunts and uncles, cousins, and so on—in a set order.

No living relatives at all: If the court cannot find any heirs, the property escheats to the State of Texas. It's uncommon, but it does happen.



Dying Without a Plan in Texas: Intestacy and Its Consequences

Heirs vs. Beneficiaries: Under intestacy, the people who inherit are called **heirs**. They are determined by the law strictly. Notably “heirs” in Texas intestacy include your blood (or legally adopted) relatives, but not your unmarried partner, not your stepchildren, not your close friends, and not charities. Even if you’ve been with a partner for decades but never married, they get nothing without a will. Stepchildren won’t inherit through intestacy unless legally adopted. A grandchild won’t inherit if their parent (your child) is still alive – inheritance goes to the child first (this is the concept of per stirpes distribution).

What the court process looks like without a will: When there’s no will, the court appoints an administrator to collect assets, pay debts, and distribute what remains to the heirs. The administrator is chosen by statute-based priority (typically a spouse, then next of kin), and it might not be the person you would have picked. Because there’s no will authorizing independent administration or waiving bond, the case often proceeds with more court supervision and a bond requirement, unless all heirs agree to independent administration. That extra supervision means more steps, more time, and more expense.

Why intestacy invites Conflict: Intestacy can strain families, especially blended families. A surviving spouse may suddenly co-own the house or other assets with stepchildren. Siblings or distant relatives may inherit alongside a spouse and become unexpected co-owners. Those arrangements can trigger disputes over selling property, paying expenses, or simply who gets to use what. Clear instructions in a will or trust usually prevent these surprises.

Costs and delays you can avoid: Dying without a will often means more complexity. You might require a determination of heirship proceeding – essentially a court hearing with testimony to formally declare who the heirs are, often requiring an attorney ad litem to search for any unknown heirs. This is an added expense not needed when there’s a will naming beneficiaries. Overall, intestacy tends to be more time-consuming and expensive, with legal fees paid by the estate (reducing what’s left for the heirs). It’s often said that failing to plan means a chunk of your estate might go to lawyers and court costs that could have been saved.

The real takeaway: Texas’ default rules aim for a kind of generalized fairness, but they don’t know your family or your wishes. Maybe you want your spouse to receive everything even though you have children from a prior relationship; under intestacy, those children must get a share. Maybe you want to provide for a stepchild, a close friend, or a favorite charity; intestacy gives them nothing. Maybe you’d prefer one sibling to inherit more than another, or you want your spouse to live in the home for life with the property then passing to your children; intestacy can’t make those nuanced choices.

Creating a will or trust puts you in control. You decide who inherits, who manages the estate, whether the process can be handled independently (and without a bond), and—if you have minor children—whom you nominate to care for them. With even a straightforward plan, you spare your family confusion, conflict, delay, and unnecessary expense.



Conclusion and Practical Guidance

Estate planning might seem daunting, but it comes down to this: making your wishes clear and legally binding so that your family is taken care of and your affairs are handled the way you want. In Texas, a solid estate plan will usually include a will (and possibly trusts), powers of attorney, advance directives, and beneficiary designations to avoid probate where possible.

A few practical next steps:

1. Take Inventory: List your major assets (real estate, bank accounts, investments, retirement accounts, life insurance, business interests, etc.) and note how they're titled and whether you've named beneficiaries on them. This will help inform what planning tools you need (for example, a Transfer on Death Deed for your house, or adding a POD beneficiary to your bank account).

2. Think About Your Loved Ones: Decide who you trust for roles like executor, guardian for kids, trustee, and agents for POA. Have conversations with them about your intentions and make sure they're willing.

3. Reflect on Your Life & the Legacy you Want to Leave Behind: Consider how you want to distribute your belongings. Who should get what? Do you have specific sentimental items to go to certain people? Any charitable inclinations? Also, clarify your medical and end-of-life wishes for the directive.

4. Consult a Professional: While DIY options exist for simple wills, it's often worth talking to an estate planning attorney, especially if you have children, a blended family, significant assets, or any special circumstances. They'll ensure your documents meet Texas legal requirements and that nothing is overlooked. Many attorneys offer a free initial consultation.

5. Keep Your Plan Updated: Once you have your documents, life will continue to change. Review your estate plan every few years or after major life events (marriage, divorce, birth of a child, a significant increase or decrease in assets, moving to a new state, etc.). Texas law updates occasionally too – for example, the ability to name vehicle beneficiaries or new transfer-on-death deed laws. Staying current will ensure your plan still does what you want.

6. Communicate and Store Safely: Let close family or the people you've named know that you've created an estate plan. You don't necessarily have to give them copies, but do tell them where the original documents are located. A fireproof safe at home or a safe deposit box, with someone you trust having access, are common storage spots. The originals **MUST BE KEPT SAFE!** Also, provide your doctors with a copy of your directive to physicians and keep a copy of your medical power of attorney and HIPAA form handy.

7. Most Importantly, Have the Hard Conversations with Your Loved Ones: It can feel uncomfortable to talk about death, money, or "what if" situations with the people you love. But avoidance is one of the biggest reasons families end up in conflict after a loved one passes away. By talking openly with your loved ones ***now***, you remove the burden of uncertainty later. When your loved ones understand why you made certain decisions, they are more likely to honor them, and far less likely to fight over them.





This handbook was created to give you a clear, approachable overview of the essentials. It is not legal advice, but it is meant to help you feel more confident about the steps ahead. Whether it is wills, trusts, probate, fiduciary roles, or other supporting documents, the more you understand, the better equipped you are to make wise decisions for yourself and your loved ones.

Estate planning is love in action. Prepare today so your family can live tomorrow in peace, not confusion. As Scripture reminds us, *"But all things should be done decently and in order"* 1 Cor. 14:40. Taking action today means peace of mind for tomorrow. You can move forward knowing that your wishes will be honored, your loved ones will be cared for, and your legacy will reflect the values that matter most to you. Preparation is what turns intention into protection.

Ready to Take the Next Step?

You have already taken an important step by learning about estate planning. Now it is time to put that knowledge into action. Don't wait until tomorrow. Your loved ones deserve the peace of mind that comes from knowing everything is in place.

Schedule your Life & Legacy Planning Session today!

Together, we will create a plan that reflects your values, protects your loved ones, and ensures your legacy lives on just the way you envision.



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