



Harris County Probate Courts

STATUTORY REQUIREMENTS FOR PROBATING A WILL MORE THAN FOUR YEARS AFTER DEATH OF THE TESTATOR

The Texas Probate Code (TPC) §73(a) prohibits the probate of a will more than four years after the death of the testator unless the applicant proves there was no default in failing to probate the will sooner. TPC §74 prohibits the issuance of letters testamentary or of administration if the will is filed more than four years after the date of death (except in special circumstances as are stated in TPC §74). Therefore, offering the will for probate as a muniment of title only is the sole option available. Further statutory requirements are as follows:

1. In the application and proof of death, please state the reason the will was not offered for probate during the four years after the date of death of decedent;
2. In the application, please list all intestate heirs of the decedent including their name, address, and relationship to the decedent; and
3. TPC §128B requires personal service upon all of decedent's intestate heirs who are not applicants or, in the alternative, sworn waivers of service **which contain the specific language of §128B.**