
Definition of Legal Terms about Probate

PROBATE	The proof before an officer authorized by law that an instrument, offered as the last will and testament of a deceased person, is his last will and testament.
INTESTATE	Without a will. A person dies intestate who dies in one of the following circumstances: <ul style="list-style-type: none">• has made no will at all• has made one not legally valid• has made one, but revoked or canceled it• there is no one who can take under it.
TESTATE	The condition of one who dies having made a will.
EXEMPLIFIED COPY	A certified transcript, or copy, under the seal of a particular court. Section 95 of the <u>Texas Probate Code</u> provides that such instruments shall be "...attested by the clerk of the court or by such other official as has custody of such will or testamentary instrument and is in charge of such probate records, with the seal of the court affixed, if there be a seal, together with a certificate from the judge or presiding magistrate of such court that the said attestation is in due form..." Also known as Congressional Copy, Authenticated Copy or Conformed Copy.
CERTIFIED COPY	One signed and certified as true by the official who has custody of the document. Normally, the official party would be the county clerk.
ADMINISTRATION	The management and disposal, under legal authority, of the estate of a deceased person, who dies without leaving a legal will.
ADMINISTRATOR/ ADMINISTRATRIX	Person appointed by the Court to administer the estate when no will was left. Letters of Administration are granted to this person by the Court.
LETTERS OF ADMINISTRATION	An instrument issued out of the proper court empowering the person named by the court to administer the estate of the deceased.
EXECUTOR/ EXECUTRIX	A person appointed by a testator in his will to carry out his directions and requests with reference to his estate. His duties are, in general, the same as those of an Administrator, except as to matters specifically mentioned in the will. Letters Testamentary are granted to the executor.
LETTERS TESTAMENTARY	An instrument issued out of the proper court empowering the person named in a will as executor to administer the estate of the testator.
TESTATOR/ TESTATRIX	The person who makes a will.
TESTAMENTARY	Relating to a will, e.g., capacity, disposition, etc. (2) Given or appointed by will, e.g., a testamentary trust, gift, guardian, etc.
CORROBORATE	Additional evidence to establish the same point.
AFFIDAVIT OF HEIRSHIP	A written statement sworn to before a notary as to the family and marital history of a deceased person.
AFFIANT	One who makes oath to a statement. (6/92)