



HOW TO AVOID PROBATE IN TEXAS USING A REVOCABLE LIVING TRUST

**Without Costly Mistakes That
Delay Your Family for Months**

Alisha M. Andrews-Hyde
Owner & Managing Attorney

Hyde Legal Group, PLLC | San Antonio, Texas



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Introduction: Why This Guide Matters for Texas Families



If you're like most Texans, you want your loved ones to inherit your home, savings, investments, and other assets quickly, privately, and with minimal expense after you're gone.

A properly prepared Revocable Living Trust (also called a revocable trust or living trust) can help you achieve exactly that. It lets you stay in full control of your assets during your lifetime, plan for incapacity, and transfer everything to your beneficiaries without going through probate court.

Unfortunately, many people either skip this tool entirely or set it up incorrectly – leading to the very problems they hoped to avoid. This free e-book walks you through the essentials in plain English, tailored to Texas law. You'll learn what a revocable trust really does, when it's worth it, how to do it right, and the pitfalls to avoid.

Important disclaimer: This guide provides general information and is not legal advice. Estate planning is highly personal. Laws can change, and your situation may require customized documents. Always consult a qualified Texas estate planning attorney for advice specific to you.

CHAPTER I

What Is a Revocable Trust?

A revocable living trust is a legal arrangement you create while you're alive. You (the grantor or settlor) transfer ownership of your assets into the trust. You typically serve as the initial trustee, managing everything just as you do now.

- Revocable means you can change, amend, or completely revoke the trust at any time while you're mentally competent.
- Living means it takes effect during your lifetime (not after death, like a testamentary trust in a will).
- Upon your death, a successor trustee (someone you name) steps in to distribute assets according to your instructions – without probate.

In Texas, revocable trusts are governed by the Texas Trust Code. They do not reduce federal estate taxes for most families (since the assets remain in your taxable estate), but they excel at avoiding probate, maintaining privacy, and handling incapacity.

Key parties in your trust:

- Grantor: You (the creator).
- Trustee: Usually you during your life; then a successor (spouse, adult child, trusted friend, or professional).
- Beneficiaries: Who receives the assets (spouse, children, grandchildren, charities, etc.).

CHAPTER 2

The Real Benefits of a Revocable Trust in Texas (and When a Will Might Be Enough)

When a simple will (plus beneficiary designations and transfer-on-death deeds) may be sufficient:

- Small or straightforward estates without complicated family dynamics
- All assets already pass via joint ownership or beneficiary designations

Many Texans pair a revocable trust with a pour-over will (which “pours” any forgotten assets into the trust at death) for complete coverage.

Texas probate is often simpler than in many other states, thanks to independent administration. However, a revocable trust still offers clear advantages in the right situations:

1. Avoids Probate for Trust Assets – Properly funded trust assets pass directly to beneficiaries without court involvement, delays, or public filings. This is especially valuable for out-of-state real estate (avoiding ancillary probate) or when privacy matters.
2. Privacy – Wills and probate filings become public record. Trusts generally do not.
3. Seamless Incapacity Planning – If you become unable to manage your affairs, your successor trustee can step in immediately – no need for a costly guardianship proceeding.
4. Faster, Less Expensive Distribution – Beneficiaries can often receive assets in weeks instead of months (or longer).
5. Flexibility and Control – You retain full control and can update the trust as life changes (marriage, divorce, new grandchildren, etc.).
6. Organizes Your Assets – Creating and funding the trust forces you to inventory major assets, which many families find helpful on its own.

CHAPTER 3

COMMON MYTHS ABOUT REVOCABLE TRUSTS IN TEXAS

Don't fall for these common misconceptions:

Myth:
“A revocable trust automatically avoids probate.”

Reality: Only assets properly titled in the trust's name avoid probate. Unfunded trusts are useless for this purpose.

Myth:
“Trusts are only for the wealthy.”

Reality: Middle-class families with homes, retirement accounts, or out-of-state property often benefit most.

Myth:
“Trusts protect assets from creditors or lawsuits during your life.”

Reality: Revocable trusts generally offer no creditor protection while you control them.

Myth:
“Once created, you can't change it.”

Reality: “Revocable” means you stay in control.

Myth:
“Trusts always save taxes.”

Reality: They usually don't for estate or income taxes in Texas (no state inheritance tax).

CHAPTER 4

Step-by-Step: How to Create a Revocable Living Trust in Texas

Follow these steps for a successful trust:

1. Assess Your Needs – Inventory assets (real estate, bank/brokerage accounts, vehicles, business interests, personal property). Decide on beneficiaries and any special instructions or additional trust planning (e.g., for minor children, blended families, or incapacity).
2. Choose Your Trustee and Successor – You as the initial trustee; select reliable successors.
3. Work with an Experienced Attorney – DIY templates often fail Texas requirements or leave assets unfunded. An attorney drafts a customized trust agreement.
4. Sign the Trust Document – Signed and notarized (Texas does not always require witnesses for trusts).
5. Fund the Trust (The Most Critical Step) – Retitle assets into the trust's name:- Real estate: Prepare and record a new warranty deed (e.g., from “John Doe” to “John Doe, Trustee of the John Doe Revocable Living Trust dated [Date]”).
 - Bank/brokerage accounts: Contact institutions to change ownership.
 - Vehicles: Transfer title or complete the correct forms through the Texas DMV.
6. Maintain the Trust – Update as needed (life events, new assets). Review every 3–5 years.
7. Coordinate with Other Documents – Create or update a pour-over will, durable power of attorney, medical directive, and HIPAA release.
8. Pro Tip: Proper funding is where most trusts fail. Your attorney can guide you through
9. the paperwork and recordings.

CHAPTER 5

Common Pitfalls and How to Avoid Them

- Failing to fund the trust (the #1 mistake).
- Naming the trust incorrectly on documents.
- Forgetting to update after major life changes.
- Choosing the wrong successor trustee.
- Relying on online forms that don't comply with Texas law.
- Not coordinating with beneficiary designations (which often override the trust).

A QUALIFIED ATTORNEY HELPS YOU AVOID THESE
EXPENSIVE ERRORS.

CHAPTER 6

Step-by-Step: How to Create a Revocable Living Trust in Texas

A revocable living trust can give you peace of mind, protect your privacy, and save your family time and money – but only if done correctly.

If you're in the San Antonio area or anywhere in Texas, schedule a **complimentary estate planning consultation**. We'll review your situation, explain whether a revocable trust makes sense for you, and create a complete, customized plan that includes all necessary documents.

Download our free estate planning checklist or join our newsletter for updates on Texas law changes.

Contact us today:

Alisha M. Andrews-Hyde, Owner & Managing Attorney

Hyde Legal Group, PLLC

(210) 668-8368 | alisha@hydelegalgroup.com | www.hydelegalgroup.com

San Antonio, Texas





Bonus: Quick Estate Planning Checklist

- Inventory all assets and debts
- List desired beneficiaries and guardians (if minors)
- Choose trustees and agents for powers of attorney
- Decide on trust vs. will strategy
- Schedule attorney consultation
- Fund the trust properly after creation
- Review plan every 3–5 years or after life events

Thank you for reading. Protecting your legacy starts with informed decisions.

This e-book is for educational purposes only and does not create an attorney-client relationship. Texas law current as of 2026; consult a licensed attorney for your specific needs.