GLOSSARY OF TERMS
Commonly Used in Texas Estate Planning and Probate

Administrator	A person appointed by a court to take possession of an intestate decedent's estate, settle claims asserted by creditors, and distribute the estate to the heirs.
Agent (Power of Attorney)	The person given power to act on behalf of the Principal in a power of attorney. The term "agent" is used in both the durable power of attorney and medical power of attorney.
Beneficiary	A person named in a will or trust to receive a distribution of money or property.
Devise	A gift or transfer made through a last will and testament.
Distributee	A general term for a party entitled to receive a distribution from an estate or trust.
Community Property	Texas property acquired by two married individuals during their marriage, unless one of the spouses acquired the property as separate property (defined below).
Executor	A person appointed by the court to take possession of a decedent's estate, settle claims asserted by creditors, and distribute the estate as directed by the decedent's will.
Federal Estate Tax	A tax assessed by the U.S. government on estates when the taxable value exceeds applicable exclusion amount. In 2024, the maximum amount that can be excluded from estate tax is $13.61 million, less amounts used by the decedent for the lifetime gift tax exclusion.
Gift Tax	A tax levied on the transfer of money or property for less than fair market value. There is no tax on the transfer of property between spouses or on a transfer that is less than the annual exemption amount. In 2024, the annual exemption is $18,000. A donor may give an amount greater than the annual exemption and use his or her lifetime exclusion amount, which will decrease the donor's estate tax exemption by the same amount. There are other limits on gifts to those who are not U.S. citizens.
GST Tax	Generation-Skipping Transfer Tax. A tax on a property transfer that skips a generation. The tax limits the use of generation-skipping techniques as a means of avoiding estate taxes. The amount that can be excluded from GST tax is equal to one's lifetime exclusion amount for gift and estate tax.
Heir	A person entitled to a portion of the estate of an intestate decedent.
Independent Administration	A form of estate administration in which the administrator or executor may settle claims and distribute estate property without seeking judicial approval. Independent administration may be granted by a court if the decedent's will directs that the executor shall serve independently. If there is no will, an administrator may serve independently if all the distributees of the estate and the court agree it would be advisable.
Intestate	A decedent who died *without* a valid will. (Opposite of "testate," which means a person who died with a valid will.)

Letters of Administration	A document similar to letters testamentary (defined below), except letters of administration are issued to a person appointed to administer the estate of an intestate decedent.
Letters Testamentary	A document resembling a certificate issued by the clerk of the court as proof that an executor is qualified to serve as the personal representative of a decedent's estate. The term is used only when an executor is serving who was appointed in the decedent's will.
Nonprobate	A term usually used to describe property transferred outside of the probate process, such as the transfer of a financial account to a pay-on-death beneficiary.
Per Stirpes	Latin for "by roots." A term used to describe the division of property among a person's descendants. Example: A person has three living children and one deceased child, and the deceased child has two living children. A transfer to the person's "children per stirpes" would require a division into four equal shares. The three living children each receive one share, and the two children of the deceased child each receive one-half of the deceased child's share.
Principal (power of attorney)	An individual who signs a power of attorney granting an Agent authority to act on such individual's behalf.
Principal (trusts and estates)	An accounting term for the portion of a trust or estate that is not income. Unless modified by the trust or will, the Texas Trust Code includes rules for allocating receipts and disbursements to or between principal and income. Principal may also be referred to as the "corpus."
Probate	The judicial procedure by which a testamentary document is established to be a valid will. Unless set aside, the probate of a will is conclusive on the parties to the proceedings (and others who had notice of them) on all questions of testamentary capacity, the absence of fraud or undue influence, and due execution of the will.
Rule Against Perpetuities	A law that prohibits a person from making a gift or transfer in which no one receives outright ownership of the property within the time period defined by law. Historically, the limit has been 21 years after the death of a person described in the transfer document (such as a deed or trust agreement) who was alive at the time of the transfer. Recently, Texas law changed to permit a period of up to 300 years after the effective date, except for real property, which is limited to 100 years.
Separate Property	Texas property owned by a person who is not married or by a married person who acquired such property before the marriage. Separate property can be acquired by one spouse during his or her marriage if such property was acquired by gift or inheritance. A married person must prove that property acquired during the marriage is his or her separate property; otherwise, it is presumed to be community property.
Testator/Testatrix	Someone who has made a will, and more often used to refer to the deceased person who left a written will. Testatrix refers to a woman who made a will.
Trust	Property of any character that is held by a trustee for the benefit of one or more parties referred to as "beneficiaries." The trustee holds title to trust property and has the duty to use it according to the terms of the trust agreement and as required by law. (In Texas, most laws governing trusts are within the Texas Trust Code.)