

## **INSTRUCTIONS ON PROBATING A WILL AS A MUNIMENT OF TITLE and MERP**

To probate a will as a muniment of title, the decedent must not have owed any debts other than those secured by liens on real estate. If the decedent applied for and received Medicaid benefits on or after March 1, 2005, then the Medicaid Estate Recovery Program may have a claim against the estate, thus affecting a muniment of title application.

A certificate attesting to the status of a MERP Class 7 probate claim must therefore accompany the probate proceedings.

The Authorization and MERP Certification Form is located at the Medicaid Estate Recovery Program:  
<https://www.hhs.texas.gov/sites/default/files/documents/services/aging/txmerpcertificationform.pdf>

If the claim has been waived, then please include the following sentence in the Order admitting the will to probate: The Texas Department of Aging and Disability Services has waived any claim against the Decedent's estate.

If the decedent did not apply for and receive Medicaid benefits on or after March 1, 2005, then please include the following sentence in both the Proof of Death and Other Facts and the Order:

"The Decedent did not apply for and receive Medicaid benefits on or after March 1, 2005".