

BILL ANALYSIS

Senate Research Center
87R526 CLG-F

S.B. 156
By: Perry
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires the administrator of a will to travel to the county where the decedent resided or passed away, even if the decedent had no family in that county and the will is uncontested.

This bill allows the administrator to petition the court, in a case where no immediate family member of the decedent resides in the same county in which the decedent resided, and to have the probate proceeding moved to the county where the administrator resides.

As proposed, S.B. 156 amends current law relating to the transfer of certain probate proceedings to the county in which the executor or administrator of a decedent's estate resides.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 33, Estates Code, by adding Section 33.1011, as follows:

Sec. 33.1011. TRANSFER TO COUNTY IN WHICH EXECUTOR OR ADMINISTRATOR RESIDES. (a) Defines "immediate family member."

(b) Authorizes the court, after issuing letters testamentary or of administration to the executor or administrator of an estate in a probate proceeding, on motion of the executor or administrator, to order that the proceeding be transferred to another county in Texas in which the executor or administrator resides if no immediate family member of the decedent resides in the same county in which the decedent resided.

(c) Requires the clerk of the court from which the probate proceeding described by Subsection (b) is transferred to transmit to the court to which the proceeding is transferred the original file in the proceeding and a certified copy of the index.

(d) Requires the executor or administrator, notwithstanding the date of any transfer under this section, to provide the notice required by Section 308.051 (Required Notice Regarding Presentment of Claims in General) in the county of the court that originally issued the letters testamentary or of administration.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.