

By: Naishtat

H.B. No. 1793

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of a court with respect to an action involving a testamentary trust.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5, Texas Probate Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) In those counties in which there is a statutory probate court, all actions involving a testamentary trust shall be filed and heard in the statutory probate court regardless of whether the matter is appertaining or incident to an estate. In those counties in which there is no statutory probate court, the district court has exclusive jurisdiction over all actions involving a testamentary trust.

SECTION 2. Section 5(e-1), Texas Probate Code, as added by this Act, applies only to an action that is filed on or after the effective date of this Act. An action that is filed before the effective date of this Act is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2005.