

By: Wentworth

S.B. No. 349

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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