

By: Hartnett

H.B. No. 334

A BILL TO BE ENTITLED

AN ACT

relating to district court jurisdiction over suits concerning trusts.

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

SECTION 1. Section 115.001, Property Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (d) of this section, a district court has original and exclusive jurisdiction over all proceedings by or against a trustee and all proceedings concerning trusts, including proceedings to:

- (1) construe a trust instrument;
- (2) determine the law applicable to a trust instrument;
- (3) appoint or remove a trustee;
- (4) determine the powers, responsibilities, duties, and liability of a trustee;
- (5) ascertain beneficiaries;
- (6) make determinations of fact affecting the administration, distribution, or duration of a trust;
- (7) determine a question arising in the administration or distribution of a trust;
- (8) relieve a trustee from any or all of the duties, limitations, and restrictions otherwise existing under the terms of

1 the trust instrument or of this subtitle;

2 (9) require an accounting by a trustee, review trustee
3 fees, and settle interim or final accounts; and

4 (10) surcharge a trustee.

5 (a-1) The list of proceedings described by Subsection (a)
6 over which a district court has exclusive and original jurisdiction
7 is not exhaustive. A district court has exclusive and original
8 jurisdiction over a proceeding by or against a trustee or a
9 proceeding concerning a trust under Subsection (a) whether or not
10 the proceeding is listed in Subsection (a).

11 (d) The jurisdiction of the district court [~~over~~
12 ~~proceedings concerning trusts~~] is exclusive except for
13 jurisdiction conferred by law on:

14 (1) a statutory probate court;

15 (2) [7] a court that creates a trust under Section
16 867, Texas Probate Code;

17 (3) [7-01] a court that creates a trust under Section
18 142.005;

19 (4) a justice court under Chapter 27, Government Code;
20 or

21 (5) a small claims court under Chapter 28, Government
22 Code.

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2007.