

By: Hartnett

H.B. No. 334

Substitute the following for H.B. No. 334:

By: Hartnett

C.S.H.B. No. 334

A BILL TO BE ENTITLED

AN ACT

1 relating to district court jurisdiction over suits concerning  
2 trusts.  
3

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

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

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

12 (1) construe a trust instrument;

13 (2) determine the law applicable to a trust  
14 instrument;

15 (3) appoint or remove a trustee;

16 (4) determine the powers, responsibilities, duties,  
17 and liability of a trustee;

18 (5) ascertain beneficiaries;

19 (6) make determinations of fact affecting the  
20 administration, distribution, or duration of a trust;

21 (7) determine a question arising in the administration  
22 or distribution of a trust;

23 (8) relieve a trustee from any or all of the duties,  
24 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.