

## **BILL ANALYSIS**

C.S.H.B. 1461  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In Texas there is a unique alternative to probate known as a “muniment of title.” It is used whenever a person dies owning only real estate in Texas. This process essentially treats the will as a deed (a muniment) transferring the ownership of the property (title) to the person set out in the will. In determining the transfer of property in the muniment of title, questions arise concerning the marital status of the decedent, which leads to contesting of the muniment of title.

C.S.H.B. 1461 requires an application for probate of a will as a muniment of title to state whether a marriage of the decedent was ever dissolved after the will was made, whether by divorce, annulment, or a declaration that the marriage was void.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1461 amends the Texas Probate Code to require an application for probate of a will as a muniment of title to state whether a marriage of the decedent was ever dissolved after the will was made, whether by divorce, annulment, or a declaration that the marriage was void, rather than whether the decedent was ever divorced.

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1461 differs from the original by requiring an application for probate of a will as a muniment of title to state whether a marriage of the decedent was ever dissolved after the will was made, whether by divorce, annulment, or a declaration that the marriage was void, whereas the original requires the application to state whether the decedent was divorced after making the will.