

By: Riddle

H.B. No. 2843

A BILL TO BE ENTITLED

AN ACT

relating to certain joint accounts with rights of survivorship.

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

SECTION 1. Section 439, Texas Probate Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsection (e), sums ~~[Sums]~~ remaining on deposit at the death of a party to a joint account belong to the surviving party or parties against the estate of the decedent if, by a written agreement signed by the party who dies, the interest of such deceased party is made to survive to the surviving party or parties. Notwithstanding any other law, an agreement is sufficient to confer an absolute right of survivorship on parties to a joint account under this subsection if the agreement states in substantially the following form: "On the death of one party to a joint account, all sums in the account on the date of the death vest in and belong to the surviving party as his or her separate property and estate." A survivorship agreement will not be inferred from the mere fact that the account is a joint account. If there are two or more surviving parties, their respective ownerships during lifetime shall be in proportion to their previous ownership interests under Section 438 of this code augmented by an equal share for each survivor of any interest the decedent may have owned in the account immediately before his death, and the right of

1 survivorship continues between the surviving parties if a written  
2 agreement signed by a party who dies so provides.

3 (e) Notwithstanding any other law, sums remaining on  
4 deposit at the death of a party to a joint account with a written  
5 agreement as described by Subsection (a) of this section belong to  
6 the estate of the deceased party if there is one surviving party and  
7 the surviving party is not the deceased party's beneficiary under a  
8 will or other dispositive document. In any action or proceeding  
9 contesting the validity of the financial institution's payment of  
10 sums under this section, the burden of proof is on the surviving  
11 party to prove the deceased party's intent to confer a right of  
12 survivorship on the surviving party.

13 SECTION 2. The changes in law made by this Act apply only to  
14 an account created on or after the effective date of this Act. An  
15 account created before the effective date of this Act is governed by  
16 the law in effect when the account was created, and the former law  
17 is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2009.