

By: Paxton

H.B. No. 3767

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to property designated as homestead property transferred  
3 into an inter vivos trust.

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

5 SECTION 1. Subchapter A, Chapter 41, Property Code, is  
6 amended by adding Section 41.0021 to read as follows:

7 Sec. 41.0021. TRANSFER OF PROPERTY INTO INTER VIVOS TRUST;  
8 EFFECT ON HOMESTEAD DESIGNATION. A trustee may transfer by  
9 warranty deed real property designated as a homestead into an inter  
10 vivos trust without affecting the homestead designation of the  
11 property if the trust settlor is a beneficiary of the trust.

12 SECTION 2. This Act applies only to a transfer that is  
13 effective on or after the effective date of this Act. A transfer  
14 that is effective before the effective date of this Act is governed  
15 by the law as it existed immediately before the effective date of  
16 this Act, and that law is continued in effect for that purpose.

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