

By: Thompson of Harris

H.B. No. 2917

A BILL TO BE ENTITLED

AN ACT

relating to the property code.

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

SECTION 1. Section 115.002 of the Texas Property Code is amended to read as follows:

Sec. 115.002. VENUE. (a) The venue of an action under Section 115.001 of this Act is determined according to this section.

(b) If there is a single, noncorporate trustee, an action shall be brought in the county in which:

(1) the trustee resides or has resided at any time during the four-year period preceding the date the action is filed; or

(2) the situs of administration of the trust is maintained or has been maintained at any time during the four-year period preceding the date the action is filed.

(c) If there are multiple trustees or a corporate trustee, an action shall be brought in the county in which the situs of administration of the trust is maintained or has been maintained at any time during the four-year period preceding the date the action is filed, or if there are one or more noncorporate trustees, in the county where any noncorporate trustee resides, provided that an action against a corporate trustee as defendant may be brought in the county in which the corporate trustee maintains its principal

1 office in this state.

2 (c-1) Notwithstanding Subsections (b) and (c), if the
3 settlor is deceased and an administration of the settlor's estate
4 is pending in this state, an action involving the interpretation
5 and administration of an inter vivos trust created by the settlor or
6 a testamentary trust created by the settlor's will may be brought:

7 (1) in a county in which venue is proper under
8 Subsection (b) or (c); or

9 (2) in the county in which the administration of the
10 settlor's estate is pending.

11 (d) For just and reasonable cause, including the location of
12 the records and the convenience of the parties and witnesses, the
13 court may transfer an action from a county of proper venue under
14 this section to another county of proper venue:

15 (1) on motion of a defendant or joined party, filed
16 concurrently with or before the filing of the answer or other
17 initial responsive pleading, and served in accordance with law; or

18 (2) on motion of an intervening party, filed not later
19 than the 20th day after the court signs the order allowing the
20 intervention, and served in accordance with law.

21 (e) Notwithstanding any other provision of this section, on
22 agreement by all parties the court may transfer an action from a
23 county of proper venue under this section to any other county.

24 (f) For the purposes of this section:

25 (1) "Corporate trustee" means an entity organized as a
26 financial institution or a corporation with the authority to act in
27 a fiduciary capacity.

1 (2) "Principal office" means an office of a corporate
2 trustee in this state where the decision makers for the corporate
3 trustee within this state conduct the daily affairs of the
4 corporate trustee. The mere presence of an agent or representative
5 of the corporate trustee does not establish a principal office. The
6 principal office of the corporate trustee may also be but is not
7 necessarily the same as the situs of administration of the trust.

8 (3) "Situs of administration" means the location in
9 this state where the trustee maintains the office that is primarily
10 responsible for dealing with the settlor and beneficiaries of the
11 trust. The situs of administration may also be but is not
12 necessarily the same as the principal office of a corporate
13 trustee.

14 SECTION 2. The change in law made by this Act to the
15 Property Code applies only to a proceeding brought on or after the
16 effective date of this Act. An action brought before the effective
17 date of this Act is governed by the law in effect immediately before
18 that date, and the former law is continued in effect for that
19 purpose.

20 This Act takes effect September 1, 2013.