

By: Perry

S.B. No. 1056

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain probate proceedings to the county in which the executor or administrator of a decedent's estate resides.

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

SECTION 1. Subchapter C, Chapter 33, Estates Code, is amended by adding Section 33.1011 to read as follows:

Sec. 33.1011. TRANSFER TO COUNTY IN WHICH EXECUTOR OR ADMINISTRATOR RESIDES. (a) In this section, "immediate family member" means the parent, spouse, child, or sibling of a person.

(b) After the issuance in a probate proceeding of letters testamentary or of administration to the executor or administrator of an estate, the court, on motion of the executor or administrator, may order that the proceeding be transferred to another county in this state in which the executor or administrator resides if no immediate family member of the decedent resides in the same county in which the decedent resided.

(c) The clerk of the court from which the probate proceeding described by Subsection (b) is transferred shall transmit to the court to which the proceeding is transferred:

(1) the original file in the proceeding; and

(2) a certified copy of the index.

SECTION 2. Section 33.1011, Estates Code, as added by this Act, applies only to the estate of a decedent who dies on or after

1 the effective date of this Act. The estate of a decedent who dies
2 before the effective date of this Act is governed by the law in
3 effect on the date of the decedent's death, and the former law is
4 continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2017.