

By: Perry

S.B. No. 1056

A BILL TO BE ENTITLED

AN ACT

relating to venue for a proceeding to admit a will to probate or for the granting of letters testamentary or of administration.

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

SECTION 1. Section 33.001, Estates Code, is amended to read as follows:

Sec. 33.001. PROBATE OF WILLS AND GRANTING OF LETTERS TESTAMENTARY AND OF ADMINISTRATION. (a) In this section, "immediate family member" means the parent, spouse, child, or sibling of a person.

(b) Venue for a probate proceeding to admit a will to probate or for the granting of letters testamentary or of administration is:

(1) with respect to a [~~in the county in which the decedent resided, if the~~] decedent who had a domicile or fixed place of residence in this state:

(A) in the county in which the decedent resided;
or

(B) in the county in which the applicant for letters testamentary or of administration resides, if no immediate family member of the decedent resides in the same county in which the decedent resided; or

(2) with respect to a decedent who did not have a domicile or fixed place of residence in this state:

1 (A) if the decedent died in this state, in the
2 county in which:

3 (i) the decedent's principal estate was
4 located at the time of the decedent's death; or

5 (ii) the decedent died; or

6 (B) if the decedent died outside of this state:

7 (i) in any county in this state in which the
8 decedent's nearest of kin reside; or

9 (ii) if there is no next of kin of the
10 decedent in this state, in the county in which the decedent's
11 principal estate was located at the time of the decedent's death.

12 SECTION 2. The changes in law made by this Act to Section
13 [33.001](#), Estates Code, apply only to the estate of a decedent who
14 dies on or after the effective date of this Act. The estate of a
15 decedent who dies before the effective date of this Act is governed
16 by the law in effect on the date of the decedent's death, and the
17 former law is continued in effect for that purpose.

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