

By: Murr

H.B. No. 2857

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the transfer of certain probate proceedings to the  
3 county in which the executor or administrator of a decedent's  
4 estate resides.

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

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

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

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

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

21 (1) the original file in the proceeding; and

22 (2) a certified copy of the index.

23 (d) Notwithstanding the date of any transfer under this  
24 section, the executor or administrator shall provide the notice

1 required by Section 308.051 in the county of the court that  
2 originally issued the letters testamentary or of administration.

3 SECTION 2. Section 33.1011, Estates Code, as added by this  
4 Act, applies only to the estate of a decedent who dies on or after  
5 the effective date of this Act. The estate of a decedent who dies  
6 before the effective date of this Act is governed by the law in  
7 effect on the date of the decedent's death, and the former law is  
8 continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2019.