

By: Perry

S.B. No. 156

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 a person's parent, spouse, child, or sibling.

11 (b) After issuing letters testamentary or of administration
12 to the executor or administrator of an estate in a probate
13 proceeding, 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, 2021.