

AN ACT

relating to decedents' estates and other matters involving probate courts.

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

SECTION 1. Section 33.105, Estates Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) If a probate proceeding is transferred to a court in another county under this chapter, the clerk of the transferring court shall send to the clerk of the court to which the proceeding is transferred:

(1) [7] using the electronic filing system established under Section 72.031, Government Code:

(A) [~~1~~] a transfer certificate and index of transferred documents;

(B) [~~2~~] a copy of each final order;

(C) [~~3~~] a copy of the order of transfer signed by the transferring court;

(D) [~~4~~] a copy of the original papers filed in the transferring court[~~, including a copy of any will~~];

(E) [~~5~~] a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(F) [~~6~~] a bill of any costs accrued in the transferring court; and

1 (2) by a qualified delivery method, the original will,
2 or the paper copy of the will offered under Section 256.156 to prove
3 a will that cannot be produced in court, as applicable.

4 (a-1) If applicable, the applicant who requested to
5 transfer a probate proceeding shall pay the cost of delivery under
6 Subsection (a)(2).

7 SECTION 2. Subchapter B, Chapter 51, Estates Code, is
8 amended by adding Section 51.057 to read as follows:

9 Sec. 51.057. SERVICE REGARDING CERTAIN DECEASED PERSONS.

10 (a) Except as provided by Subsection (b), if a citation or notice
11 is required to be served in a probate proceeding on a person who is
12 now deceased but survived the decedent who is the subject of the
13 proceeding, the citation or notice must be served on one of the
14 following:

15 (1) the personal representative of the deceased
16 person's estate, as provided by Section 51.056; or

17 (2) each distributee of the deceased person's estate,
18 if:

19 (A) the personal representative has been
20 discharged;

21 (B) the independent executor has filed a closing
22 report or a notice of closing of the estate; or

23 (C) there is no administration of the estate
24 ordered by a court, including if:

25 (i) the deceased person's will was admitted
26 to probate as a muniment of title;

27 (ii) the court finds there is no necessity

1 for administration in a judgment in a proceeding declaring heirship
2 under Chapter 202; or

3 (iii) the court approves a small estate
4 affidavit under Chapter 205.

5 (b) If there is no court order determining the distributees
6 of the estate of the deceased person who survived the decedent or no
7 personal representative of the deceased person's estate has been
8 appointed, the citation or notice must be served on the unknown
9 distributees of the estate by publication in the county in which the
10 probate proceeding described by Subsection (a) is pending and, if
11 known, the county of the last residence of the deceased person, if
12 that residence was in a county other than the county in which the
13 probate proceeding is pending.

14 (c) If service by publication is required by Subsection (b),
15 the court may appoint an attorney ad litem to represent the
16 interests of the distributees of the deceased person's estate,
17 whether known or unknown.

18 SECTION 3. Section 256.156, Estates Code, is amended by
19 adding Subsection (c) to read as follows:

20 (c) A copy of a will that cannot be produced in court that
21 includes a copy of a self-proving affidavit is sufficient to make
22 the will self-proved if the self-proving affidavit meets the form
23 and content requirements under Subchapter C, Chapter 251.

24 SECTION 4. Section 256.202, Estates Code, is amended to
25 read as follows:

26 Sec. 256.202. CUSTODY OF PROBATED WILL. An original will,
27 or a paper copy of a will proved under Section 256.156, and the

1 probate of the will shall be deposited in the office of the county
2 clerk of the county in which the will was probated. The will and
3 probate of the will shall remain in that office except during a time
4 the will and the probate of the will are removed for inspection to
5 another place on an order of the court where the will was probated.
6 If that court orders the original will to be removed to another
7 place for inspection:

8 (1) the person removing the will shall give a receipt
9 for the will;

10 (2) the court clerk shall make and retain a copy of the
11 will; and

12 (3) the will shall be delivered back to the office of
13 the county clerk of the county in which the will was probated after
14 the inspection is completed.

15 SECTION 5. Section [309.051](#)(a), Estates Code, is amended to
16 read as follows:

17 (a) Except as provided by Subsection (c) or Section [309.056](#)
18 or unless a longer period is granted by the court, before the 91st
19 day after the date the personal representative qualifies, the
20 representative shall prepare and file with the court clerk a single
21 written instrument that contains a verified, full, and detailed
22 inventory of all estate property that has come into the
23 representative's possession or of which the representative has
24 knowledge. The inventory must:

25 (1) include:

26 (A) all estate real property located in this
27 state; and

1 (B) all estate personal property regardless of
2 where the property is located; and

3 (2) state whether the decedent was married at the time
4 of the decedent's death, and if the decedent was married at the time
5 of the decedent's death, specify which portion of the property, if
6 any, is separate property and which, if any, is community property.

7 SECTION 6. Section 309.052, Estates Code, is amended to
8 read as follows:

9 Sec. 309.052. LIST OF CLAIMS. A complete list of claims due
10 or owing to the estate must be attached to the inventory and
11 appraisal required by Section 309.051. The list of claims must
12 state:

13 (1) the name and, if known, address of each person
14 indebted to the estate; and

15 (2) regarding each claim:

16 (A) the nature of the debt, whether by note,
17 bill, bond, or other written obligation, or by account or verbal
18 contract;

19 (B) the date the debt was incurred;

20 (C) the date the debt was or is due;

21 (D) the amount of the claim, the rate of interest
22 on the claim, and the period for which the claim bears interest; and

23 (E) whether the claim is separate property or
24 community property, if the decedent was married at the time of the
25 decedent's death.

26 SECTION 7. Section 354.001(b), Estates Code, is amended to
27 read as follows:

1 (b) On presentation of the personal representative's
2 account and application under Subsection (a), the court, with or
3 without notice or citation, may adjust, correct, settle, allow, or
4 disallow the account.

5 SECTION 8. Section 452.006(c), Estates Code, is amended to
6 read as follows:

7 (c) Not later than the seventh day after the date letters of
8 temporary administration are issued, the [The] appointee shall file
9 with the court proof of service of the notice required under
10 Subsection (a) in the manner provided by Section 51.103(b)(3).

11 SECTION 9. Section 453.003(a), Estates Code, is amended to
12 read as follows:

13 (a) If there is no qualified executor or administrator of a
14 deceased spouse's estate, the surviving spouse, as the surviving
15 partner of the marital partnership, may:

- 16 (1) sue and be sued to recover community property;
- 17 (2) sell, mortgage, lease, and otherwise dispose of
18 community property to pay [~~community~~] debts[~~7~~] for which a portion
19 of community property is liable for payment;
- 20 (3) collect claims due to the community estate; and
- 21 (4) exercise other powers as necessary to:
 - 22 (A) preserve the community property;
 - 23 (B) discharge [~~community~~] obligations[~~7~~] for
24 which a portion of community property is liable for payment; and
 - 25 (C) wind up community affairs.

26 SECTION 10. Section 80.002(b), Government Code, is amended
27 to read as follows:

1 (b) In addition to any other delivery method required or
2 authorized by law or supreme court rule, a statutory county court,
3 statutory probate court, district court, or appellate court shall
4 deliver through the electronic filing system established under
5 Section 72.031 to all parties in each case in which the use of the
6 electronic filing system is required or authorized all court orders
7 the court enters for the case.

8 SECTION 11. Section 403.060, Estates Code, is repealed.

9 SECTION 12. The amendment by this Act of Sections 256.156,
10 354.001, and 453.003, Estates Code, is intended to clarify rather
11 than change existing law.

12 SECTION 13. Section 33.105, Estates Code, as amended by
13 this Act, applies to a proceeding that is pending or commenced on or
14 after the effective date of this Act.

15 SECTION 14. Section 51.057, Estates Code, as added by this
16 Act, applies only to a probate proceeding commenced on or after the
17 effective date of this Act.

18 SECTION 15. Section 256.202, Estates Code, as amended by
19 this Act, applies only to a proceeding commenced on or after the
20 effective date of this Act. A proceeding commenced before the
21 effective date of this Act is governed by the law in effect on the
22 date the proceeding was commenced, and the former law is continued
23 in effect for that purpose.

24 SECTION 16. Sections 309.051(a) and 309.052, Estates Code,
25 as amended by this Act, apply to the administration of the estate of
26 a decedent that is pending or commenced on or after the effective
27 date of this Act.

1 SECTION 17. Section 452.006(c), Estates Code, as amended by
2 this Act, applies only to a temporary administrator appointed on or
3 after the effective date of this Act. A temporary administrator
4 appointed before the effective date of this Act is governed by the
5 law in effect on the date the administrator was appointed, and the
6 former law is continued in effect for that purpose.

7 SECTION 18. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1448 passed the Senate on April 10, 2025, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 28, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1448 passed the House, with amendment, on May 24, 2025, by the following vote: Yeas 133, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor