

By: Zaffirini  
(Dutton)

S.B. No. 1839

A BILL TO BE ENTITLED

AN ACT

relating to the delivery of records, including a will, in probate proceedings transferred to other 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. Section 33.105, Estates Code, as amended by this  
8 Act, applies to a proceeding that is pending or commenced on or  
9 after the effective date of this Act.

10          SECTION 3. This Act takes effect September 1, 2025.