

- SUBJECT:** Allowing for certain transfers of probate proceedings
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Smithee, Farrar, Gutierrez, Laubenberg, Murr, Neave, Rinaldi, Schofield
- 0 nays
- 1 absent — Hernandez
- SENATE VOTE:** On final passage, April 19 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** No public hearing
- BACKGROUND:** Estates Code, ch. 33 establishes the county in which probate proceedings must be filed. Observers have noted that some executors or administrators must travel long distances for court proceedings to a county where an individual died, even when the deceased did not have immediate family in the location.
- DIGEST:** CSSB 1056 would allow a court, after it had issued letters testamentary or of administration and on motion of an executor or administrator, to transfer probate proceedings from a county in which no parent, spouse, child, or sibling of the decedent resided to a county where the executor or administrator resided.
- The clerk of the court from which the probate proceeding was transferred would be required to transmit the original file in the proceeding and a certified copy of the index to the court receiving the proceeding.
- The bill would require that notice to individuals who may have a claim against the estate be published in the county of the court that originally issued the letters testamentary or of administration.
- The bill would take effect September 1, 2017, and would apply only to the

estate of a person who died on or after that date.

NOTES: CSSB 1056 differs from the Senate-passed version by requiring notice be provided to potential claimants in the originating county.