

## Mortensen v. Villegas

630 S.W.3d 355 (Tex. App. 2021)

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For a suit to be subject to the jurisdiction provisions of the Texas Estates Code, it must qualify as either a "probate proceeding," or a "matter related to a probate proceeding," as defined by the Estates Code. In re Hannah , 431 S.W.3d 801, 807-08 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding) (citing TEX. EST. CODE ANN. §§ 21.006, 32.001(a), 33.002, 33.052, 33.101 ). Section 31.001 of the Texas Estates Code provides:

## Hawes v. Peden

No. 06-19-00053-CV (Tex. App. Dec. 16, 2019) 1 Legal Analyses

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See, e.g., In re Hannah, 431 S.W.3d 801, 809-810 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding) (because suit sought damages which would be satisfied from defendant's individual assets rather than from estate property, claims were not related to probate proceeding); Narvaez, 564 S.W.3d at 56 (holding that nature of claims and relief sought are to be examined when determining probate court jurisdiction). Because the petition names Peden's estate as a defendant and seeks damages directly from the estate, the petition is properly classified as a matter related to the probate proceeding.

## In re Estate of Puckett

No. 02-18-00349-CV (Tex. App. Aug. 1, 2019) Cited 1 times

For a claim to fall within the statutory county court's probate jurisdiction, it must be either a probate proceeding or a matter related to a probate proceeding as those terms are statutorily defined. See In re Hannah, 431 S.W.3d 801, 807-08 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding) (per curiam). A probate proceeding encompasses "an application, petition, motion or action regarding . . . an estate administration," "a claim arising from an estate administration," and "any other matter related to the settlement, partition, or distribution of an estate."

## Haight v. Koley Jessen PC

No. 10-18-00057-CV (Tex. App. Jun. 12, 2019) Cited 1 times

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In In re Hannah, relator had a relationship with the decedent and was named in his 2009 and 2010 wills. In re Hannah, 431 S.W.3d 801 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding). However, decedent executed a will in 2012 that did not include relator.

## Narvaez v. Powell

564 S.W.3d 49 (Tex. App. 2018) Cited 8 times

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### **Holding that nature of claims and relief sought are to be examined when determining probate court jurisdiction**

With respect to the breach of fiduciary duty claims, Appellants seek actual damages, punitive damages, and forfeiture of all fees received by Phillips and Powell in the past, present or future. Appellants rely on In re Hannah , 431 S.W.3d 801 (Tex.App.—Houston [14th Dist.] 2014, orig. proceeding) in support of their argument that the Probate Court does not have jurisdiction of their claims. In Hannah , the decedent lived with the relator, Hannah, in Aransas County for twelve years prior to his death.

## In re EOG Res., Inc.

NO. 12-18-00054-CV (Tex. App. Jun. 29, 2018) Cited 1 times

See TEX. CIV. PRAC. & REM. CODE ANN. § 15.0642 (West 2017); see also In re Hannah, 431 S.W.3d 801, 806 (Tex. App.—Houston [14th Dist.] 2014, no pet.) (orig. proceeding) (per curiam).

## In re Rigney Constr. & Dev., LLC

NO. 12-17-00370-CV (Tex. App. Feb. 6, 2018) Cited 2 times

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**Recognizing a "critical distinction" between forum-selection clauses and venue-selection clauses because "venue selection cannot be the subject of a private contract unless otherwise provided by statute"**

See TEX. CIV. PRAC. & REM. CODE ANN. § 15.0642 (West 2017); see also In re Hannah, 431 S.W.3d 801, 806 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding) (per curiam). A party seeking to enforce a mandatory venue provision is not required to prove the lack of an adequate appellate remedy, but is required only to show that the trial court abused its discretion.

## In re Perkins

No. 10-17-00311-CV (Tex. App. Dec. 27, 2017) Cited 1 times

Thus, we do not resolve the question of whether the County Court at Law's jurisdiction of the claims raised in the District Court suit, which is clearly a matter related to a probate proceeding, is exclusive. See *Frost Nat. Bank v. Fernandez*, 315 S.W.3d 494, 508 (Tex. 2010) (because appellee's claims were not within the jurisdiction of the probate court, Court did not decide whether rule of dominant jurisdiction applies in later-filed direct attacks that are exclusively within the jurisdiction of another court); In re Hannah, 431 S.W.3d 801, 809 n. 3 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding) (because relator's suit is not related to a probate proceeding, no need to address whether Estates Code provisions are mandatory or permissive). It is well-settled that when a suit would be proper in more than one county, the court in which suit is first filed acquires dominant jurisdiction to the exclusion of other courts.

## Wallace v. Wallace

No. 05-17-00447-CV (Tex. App. Oct. 9, 2017) Cited 2 times

In a county, such as Dallas County, with a statutory probate court, see TEX. GOV'T CODE ANN. § 25.0591(d) (West 2004), the statutory probate court has original jurisdiction of "probate proceedings," TEX. EST. CODE ANN. § 32.002(c) (West 2014), and "matters relating to probate proceedings, *Bloom v. Swango*, No. 05-14-01237-CV, 2015 WL 5786824, at \*3 (Tex. App.—Dallas Oct. 5, 2015, pet. denied) (mem. op.); In re Hannah, 431 S.W.3d 801, 807-08 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding) (per curiam) (For a claim to be subject to the jurisdiction provisions of the Texas Estates Code, "it must qualify either as a 'probate proceeding' or a 'matter related to a probate proceeding' as defined by" the code.); see also TEX. EST. CODE ANN. § 22.029 (West 2014) ("The terms 'probate matter,' 'probate proceedings,' 'proceeding in probate,' and 'proceedings for probate' are synonymous and include a matter or proceeding relating to a decedent's estate."). As possibly relevant to this appeal, a "probate proceeding" includes an application, petition, motion, or action regarding the probate of a will or an estate administration, including a claim for money owed by the decedent, TEX. EST. CODE ANN. § 31.001(4) (West 2014), and a "matter related to a probate proceeding" includes an action for trial of the right of property that is estate property.

## In re Phila. Indem. Ins. Co.

NO. 12-17-00117-CV (Tex. App. May. 24, 2017)

See TEX. CIV. PRAC. & REM. CODE ANN. § 15.0642 (West 2017); see also *In re Hannah*, 431 S.W.3d 801, 806 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding) (per curiam). A party seeking to enforce a mandatory venue provision is not required to prove the lack of an adequate appellate remedy, but is required only to show that the trial court abused its discretion.

## In re OSG Ship Mgmt., Inc.

514 S.W.3d 331 (Tex. App. 2016) Cited 17 times 1 Legal Analyses

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**Holding that a forum-selection provision is enforceable under the Jones Act because the plain language of the statute indicates that "the FELA venue provision does not apply to an action under the Jones Act"**

Venue concerns the geographic location within the forum where the case may be tried. In re Hannah , 431 S.W.3d 801, 806 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding) (per curiam). "Venue may and generally does refer to a particular county, but may also refer to a particular court."

## In re Davidson

485 S.W.3d 927 (Tex. App. 2016) Cited 8 times

[2 more...](#)

**Holding that promissory note maker who filed a Deceptive Trade Practices Act counterclaim against independent executor of estate of deceased promissory note payee was not "interested person" because counterclaim was not a pre-death liability of decedent**

Civ. Prac. & Rem. Code Ann. § 15.0642 (West 2002); see also In re Hannah, 431 S.W.3d 801, 806 (Tex.App.—Houston [14th Dist.] 2014, orig. proceeding) (per curiam). The focus of a mandamus proceeding under section 15.

## In re Maxwell

No. 06-14-00067-CV (Tex. App. Aug. 29, 2014) Cited 1 times

In re Reece, 341 S.W.3d 360, 364 (Tex. 2011) (orig. proceeding); In re Hannah, No. 14-14-00126-CV, 2014 WL 1900615 (Tex. App.—Houston [14th Dist.] May 13, 2014, orig. proceeding). We have no record in this case; thus, we cannot determine whether a direct appeal was available (or even if the time for bringing one has yet expired).

