
The Story of the Texas Estates Code

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- University of Texas Estate Planning, Guardianship, and Elder Law Conference
- South Texas College of Law Wills and Probate Institute
- Estate Planning & Community Property Law Journal Seminar
- University of Houston Law Foundation General Practice Institute, and Wills and Probate Institute
- Austin Bar Association Estate Planning and Probate Section Annual Probate and Estate Planning Seminar
- Austin Bar Association and Austin Young Lawyers Association Legal Malpractice Seminar
- Dallas Bar Association Probate, Trusts & Estate Section

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- Houston Bar Association Probate, Trusts & Estate Section
- Austin Chapter, Texas Society of Certified Public Accountants, Annual Tax Update
- Texas Bankers Association Advanced Trust Forum
- Texas Credit Union League Compliance, Audit & Human Resources Conference
- Estate Planning Councils in Austin, Amarillo, Corpus Christi, Lubbock, San Antonio, and Tyler
- Austin Association of Life Underwriters

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 - Trusts Committee, Member, 2000–2010 (Chair, 2004–2008)
 - Uniform Trust Code Study Project, Articles 7–9 & UPIA, Subcommittee Member, 2000–2003
 - Texas Board of Legal Specialization (Estate Planning and Probate Law), Examiner, 1995–1997
- Estate Planning Council of Central Texas, Member (President, 1991-1992)
- Austin Bar Association, Member
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- Listed in *Texas Super Lawyers* (Texas Monthly)
- Listed in The Best Lawyers in Austin (Austin Monthly)

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- City of Austin, XERISCAPE Advisory Board, Past Member
- Volunteer Guardianship Program of Family Eldercare, Inc. of Austin, Past Member, Advisory Board

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1. Introduction.

1.1 **A New Beginning.** By the time you're reading this, our new Estates Code has already gone into effect – on **January 1, 2014** – and our beloved Probate Code that's been with us for almost six decades, has faded away. These changes were enacted into law in 2009, 2011, and 2013. All of those changes went into effect at the same time – January 1, 2014. But the story of the Texas Estates Code goes back more than half a century.

1.2 **Scope.** Here's what this article will attempt to discuss:

- Texas' 50-year-old continuing statutory revision program;
- A bit of the backstory behind our Probate Code;
- The reasons why it was necessary to replace the Probate Code with the Estates Code;
- The process of drafting the Estates Code;
- The organization of the Estates Code;
- Construction issues related to its replacement of the Probate Code;
- Some of the substantive changes that were included in connection with the enactment of the Estates Code; and
- A few [free] resources the reader may find helpful.

1.3 **Acknowledgments.** Portions of this article have been adapted from this author's own legislative updates for the 2009 through 2013 legislative sessions.^{1,2} In addition, while not cited directly, the author has been led to a number of the authorities cited in this paper by been aided in preparation of this article by Dobbs, T. Aaron, *It's Going to Be Okay: Transition to the New Estates Code*, South Texas College of Law 28th Annual Wills and Probate Institute (2013). The author has attempted to cite all other authorities relied upon in the footnotes. Apologies in advance for any inadvertent omissions.

¹ Copies of which can be downloaded from www.snpalaw.com/resources. Scroll down to the section titled "For Professional Advisors."

² While this paper was originally prepared as a standalone paper, it has now been incorporated as an attachment to the author's 2013 legislative update.

2. Why a New Code?

2.1 **"Revised Statutes."** For a number of years, Texas' statutory framework involved both "revisions" and "compilations." A "compilation" was a publication of existing statutes in a rearranged and renumbered form. It involved no legislative action – it was merely a publisher's attempt to present statutes in their last-amended versions and omit expressly repealed statutes. On the other hand, a "revision" involved redrafting statutes that were then enacted by the legislature, with the replaced statutes repealed. A revision could be substantive, but if it wasn't substantive, it was characterized as a "formal" revision. A formal revision involved everything involved in a compilation, plus the elimination of unconstitutional, impliedly repealed, and duplicated provisions.³ Texas had enacted only four revisions – in 1879, 1895, 1911, and 1925. Each was initiated by legislative act, and the drafting was performed by a commission of three to five members appointed by the governor.⁴

2.2 **1925 Revised Statutes.** The 1925 revision adopted by the 39th Legislature – the Revised Statutes of Texas, 1925 – began with "accountants" and ended with "wrecks," and spanned from Article 1 to Article 8324.⁵ Laws enacted after 1925 that didn't amend existing Articles were arranged unofficially and assigned an article number by the private publisher (now the West Publishing division of Thomson Reuters). The publisher was forced to add a letter or number suffix to a whole number because the 1925 revision left no room for expansion. For example, the editors added Articles 5159a-5159c between Articles 5159 and 5160.

2.3 **Entropy Ensues.** In 1936, The Vernon Law Book Company published an unannotated compilation of the 1925 Revised Civil and Criminal Statutes,

³ Freeman, R., *The Texas Legislative Council's Statutory Revision Program*, 29 Tex.B.J. 1021 (1966) (cited in this paper as *Freeman*).

⁴ *Id.* At 1022.

⁵ The material in this section is generally drawn from the Texas Legislative Council Drafting Manual (September 2012) (cited as *Drafting Manual* in this paper), p. 147, *et seq.*, and the Texas law timeline provided by the Legislative Reference Library of Texas at:

www.lrl.state.tx.us/research/texasLawTimeline.html.

updated with changes through January 1, 1936. Between 1936 and 1948, this was updated with non-cumulative biennial supplements. In 1948, a new compilation was published, and biennial updates continued. According to the *Drafting Manual*:

As the result of this history, the user of Vernon's Texas Civil Statutes must wade through numerous printed statutes that are legally ineffective, must sort out surplus from substance, must adapt to confusing inconsistency of expression, capitalization, spelling, and punctuation, and must try to comprehend an alphabetical arrangement and often bizarre numbering scheme.

2.4 1955 Probate Code. As a result of private practitioners' efforts to alleviate some of these problems, the "Texas Probate Code" was enacted in 1955, effective January 1, 1956 (more on this later). However, the Probate Code was an exception to the general chaos that had accumulated within the 1925 Revised Statutes. Texas had not yet adopted any organized system of statutory codification at the time, so the Texas Probate Code was incorporated into Vernon's Revised Civil Statutes, known as the "Black Statutes" for those of us old enough to have practiced with the hard copies of these volumes. And because there was no expansion room in the Black Statutes, the Probate Code was inserted by the publisher between Title 110 – Principal and Surety (which ended with Article 6252, and Title 110A – Public Offices (which began with Article 6252-1).⁶ At the time, Volume 17 of the 1948 version of Vernon's Texas Statutes included Title 94 – Militia through Title 111 – Quo Warranto. Therefore, the Probate Code was published as Volumes 17A, 17B, and 17C. (Volume 18 began with Title 112 – Railroads.)

2.5 The Difficult Task of Finding the Laws. The four revisions noted above were separated by intervals of about 16 years. However, by 1963, it had been 38 years since the last general revision of Texas laws in 1925. Meanwhile, the Probate Code wasn't the only topical revision that was enacted outside the framework of the 1925 revision. Over ten other topics were covered by codes or acts outside that numbering system.⁷ Without the privately-published "Black Statutes," finding statutory law would be almost impossible for the average lawyer.⁸ Even the private compilations had developed problems. The 131 alphabetically-arranged "titles" covering "subjects"

couldn't accommodate growth of the statutory law rationally. The compilations still retained impliedly repealed legislation replaced by a new law. Many laws regulating business and occupations were located in the penal code. Not the first place one would think to look. Parts of many legislative acts were assigned to the civil statutes, while penalty provisions in the same acts were assigned to the penal codes. And when the legislature created a new state agency with the powers and duties of an old agency, it often failed to amend other statutes that referred to the old agency. For example, the statutes contained references to the Game, Fish and Oyster Commissioner, the Game, Fish and Oyster Commission, the Game and Fish Commission, and the State Parks Board even after their powers and duties had been transferred to the Parks and Wildlife Department.⁹

And none of these problems touched upon the language used in many of the statutes – described as "archaic, verbose, obscure, or unnecessarily legalistic."¹⁰

2.6 The Legislature Expressed Its Concerns. In 1961, confusion and difficulty of using the Black Statutes were reflected in H.S.R. 650, passed by the House. It requested that Legislative Council study the matter and report to the 58th Legislature. Legislative Council did so, and recommended that the legislature direct a state agency (such as Legislative Council) to prepare a formal revision without substantive changes on a topical basis. The chair of Legislative Council would appoint seven members to an advisory committee (including representatives of the State Bar, the judiciary, and leading law schools) to work and consult with the Council on the classification, arrangement, and numbering system of the statutes.¹¹

2.7 Creation of Continuing Statutory Revision Program. The Legislative Council report led the 58th Legislature to pass [SB 367](#),¹² which ordered the creation of a permanent, ongoing statutory revision program, including the creation of a "statutory revision advisory committee." Legislative Council was charged with making a complete, non-substantive revision of Texas statutes.

2.8 The Advisory Committee. The initial members of the advisory committee were Ruel C. Walker (an Associate Justice of the Supreme Court of Texas), Spurgeon E. Bell (Chief Justice of the First Court of Civil Appeals in Houston), Austin attorney

⁶ Vernon's Texas Statutes, 1956 Supplement, at xli.

⁷ *Freeman* at 1022.

⁸ *Id.*, at 1071.

⁹ *Id.*, at 1072.

¹⁰ *Id.*

¹¹ *Id.*, at 1074-5.

¹² Now codified at [Gov't Code Sec. 323.007](#).

R. Dean Moorhead (you’ll read about him again later), Dallas attorney Angus Wynne, Sr., and three law professors, Margaret Amsler (Baylor), Carlos C. Cadena (St. Mary’s), and Millard H. Ruud (Texas).¹³

2.9 The Plan. With the assistance of Legislative Council staff, the committee prepared a classification plan for Texas statutes, along with a consistent numbering and format system. The original plan adopted in 1965 contemplated compiling all general and permanent statutes into 26 codes arranged by topic. Later, that would be expanded to 27 codes.¹⁴ The committee recommended that code sections be numbered decimally in a manner designed to accommodate future expansion.¹⁵ Each code would be divided into “titles,” “subtitles,” “chapters,” “subchapters,” “sections,” “subsections,” and “subdivisions.”¹⁶

2.10 Actual Revision Begins in 1965. In November of 1965, Legislative Council staff began work on the first two codes selected for revision to be enacted by the legislature in 1967: the Business & Commerce Code and the Water Code. The latter turned out to be a much larger task than anticipated, so it was not ready for enactment in 1967.¹⁷ Legislative Council anticipated the complete program to take between 10 to 15 years. (It’s been a bit longer.)

2.11 Why Mess With the Probate Code If It Ain’t Broken? Why did Legislative Council need to revise the Probate Code when it had already been organized and codified in 1955? Here’s why.

(a) The Probate Code Ain’t a Code!

Legislation enacting new code sections is generally based on a Revisor’s Report which contains the proposed language of the new code, the language of the old statutes, and brief notes. The Probate Code was not a “code” for purposes of the Code Construction Act¹⁸ and the Legislative Council codification initiative since (1) it was enacted before the codification effort began, and (2) it did not comply with the organizational and stylistic principles of modern Texas codes.

(b) Preparation of a New “Code.” The preparation of a new “Code” is not a mere compilation of existing statutes. It involves a time-consuming complete redrafting of statutory language. The

Director of Legislative Council’s Legal Division appoints a senior staff attorney as Chief Revisor, who is then responsible for collecting the source law, proposing an arrangement, and assigning work among other Legislative Council attorneys.

In order to assure a completely nonsubstantive revision, the attorneys must review the source law in detail, analyze case law interpreting those statutes, identify invalid, duplicative, or ineffective provisions, and then redraft all of the statutes into a single Code that is well-organized, well-written, and in a consistent format. After extensive internal review, the drafts are circulated among other interests persons outside Legislative Council. At the current time, the Criminal Procedure Code stands as the only proposed code that has not yet been enacted,¹⁹ and the Special District Local Laws Code may not be completed yet.²⁰

But before we continue on our journey towards the enactment of the Texas Estates Code, let’s take a brief detour back in time to explore the creation of the Texas Probate Code almost 50 years ago.

3. The 1955 Enactment of the Texas Probate Code.

In the natural order of things, property must, in a generation, pass through the chute symbolized by our probate courts.²¹

¹⁹ Miscellaneous criminal procedures statutes omitted from the 1965 Code of Criminal Procedure were codified as Title 2 of that code in 1985.

²⁰ www.tlc.state.tx.us/code_current_sddl.htm.

²¹ W. S. Simkins, Professor of Law, University of Texas, 1908, quoted in Grant, B, and Whitehill, R., *The Revision of the Texas Probate Code*, 43 Tex. B.J. 892 (1980) (cited as *Grant & Whitehill* in this paper). “Colonel” Simkins is also credited with writing the first comprehensive treatise on Texas probate law, *Administration of Estates in Texas*, in 1908. 17 Texas Prac. – *Probate and Decedents’ Estates* (Woodward & Smith) at v (West 1971). Fellow graduates of the University of Texas School of Law will, of course, recall that Prof. Simkins’ equity class around 1900 was credited with the birth of the law school’s mascot, the Peregrinus, and that Russell Savage, class of 1902, first drew the “beast.”



Simkins achieved the rank of colonel as a member of the Confederate Army in the Civil War. In fact, prior to his move to Texas in 1873, Simkins may have been among the first to fire on Union forces at Fort Sumter in April of 1861 as a cadet at the Citadel. See the entry for Simkins,

¹³ *Freeman* at 1075.

¹⁴ See Bill Analyses for HB 2502 - Engrossed Version (81st R.S.) and HB 2759 - Engrossed Version (82nd R.S.).

¹⁵ *Freeman* at 1075.

¹⁶ *Id.*

¹⁷ *Id.* at 1076.

¹⁸ [Gov’t Code Ch. 311](#).

3.1 **Pre-1955 Probate Statutes.** By 1955, “[m]ost of our present statutes of decedents’ estates and wills, descent and distribution, and guardianship [had been] enacted by the Texas Legislature in 1848 and ... [had] survived to [that] day.”^{22,23} Numerous amendments and additions had caused conflicts, uncertainties, and inconsistencies. The first evidence of an initiative to revise and codify these statutes arose out of the State Bar’s **Standing Committee** on Real Estate, Probate, and Trust Law (now the State Bar’s Real Estate, Probate, and Trust Law **Section**, or “REPTL”) in 1944.²⁴ Actual work on the proposed revisions appears to have begun in 1946. The Committee on Probate Reform of the Trust Section of the Texas Bankers Association joined in the effort by 1949,²⁵ a probate reform committee of the Texas Civil Judicial Council joined later,²⁶ and individual attorneys throughout the state working outside the structure of any of these organizations joined in the effort. At times taking what appeared to be two steps forward and one step back, through several legislative sessions, what eventually became the Texas Probate Code was introduced as S.B. 97 in January of 1955, accompanied by a 103-page “Summary of the Proposed Texas Probate Code” prepared by the Hon. R. Dean Moorhead of Austin, who had been hired in 1952 as “codifier and reporter” for the project,²⁷ probably because of his previous experience with the enactment of the Texas Trust Act ten years earlier.²⁸ After passing the Senate by

unanimous vote, the bill was considered by a subcommittee of the House Judiciary Committee over five hearings, and was overwhelmingly passed by the House with twenty-one minor amendments. The Senate quickly passed the amended bill by unanimous vote, and it was signed into law on April 4, 1955.²⁹ The Probate Code went into effect on January 1, 1956.

3.2 **Source Law.** The provisions of the new Probate Code were gathered from eleven volumes of the Revised Statutes, the Model Probate Code, and the Uniform Probate of Foreign Wills Act.³⁰ Some of the changes were a result of combining provisions, such as definitions that were scattered through the Revised Statutes that were consolidated in Probate Code Section 3. There had previously been sixty-nine places where citation or notice was required, but thirty-nine of those places contained no indication of what kind of citation or notice was to be used.³¹ The Probate Code consolidated all of the general rules relating to citations and notices in Probate Code Section 33. Rules governing the sale of real estate in dependent administrations and guardianships were clarified and consolidated. The statutes relating to oil, gas, and mineral leases were totally revised and consolidated³² Many of the provisions applicable to both estates of

William Stewart, in *The Handbook of Texas* (www.tshaonline.org/handbook).

Until 2010, Simkins Hall, a University of Texas dormitory along Waller Creek near the law school, was named for Prof. Simkins. However, the dormitory was renamed Creekside Residence Hall when Simkins’ role in founding the Florida Ku Klux Klan resurfaced.

²² Anthony, John, *The Story of the Texas Probate Code*, 2 S.Tex.L.J. 1, at 2 (1955) (now S.Tex.L.R.) (cited as *Anthony* in this paper). Most of the material in this section is drawn from *Anthony*. Mr. Anthony attempted to mention every contributor to the codification effort throughout its ten-year history, a task this author will not undertake.

²³ See also Interim Report of the Judiciary Committee: Proposed Revision of the Texas Probate Code, 66th Legislative Session, p. 1 (cited as *Interim Report* in this paper)

²⁴ *Id.* at 3.

²⁵ *Id.* at 11.

²⁶ *Governor Signs Bar’s Bills*, 18 Tex.B.J. 208 (1955)

²⁷ *Id.* At 208.

²⁸ A further example of the awkward numbering system forced on the publisher by the 1925 statutes that left no room for expansion is found in the Texas Trust Act. When the 1925 Revised Statutes were enacted, the last section of Title 125 – Trial of Right of Property, was article 7425 –

Levy on other property. The first section of Title 126 – Trusts—Conspiracies Against Trade, was article 7526-“Trusts” (in the antitrust sense). In the same session, the legislature enacted H.B. 143. Sections 1 and 2 of that act added provisions the substance of which are now found in Texas Property Code Sections 101.001 and 101.002 (just before the beginning of the Texas Trust Code). Since there was no designated place for these sections in the 1925 Revised Statutes, the publisher assigned the articles the numbers 7425a and 7425b, so they would appear before Title 126. Again, these numbers were assigned by the publisher, not the legislature. And by the time the Texas Trust Act was enacted in 1943, these statutes had made their way into Title 125A – Trusts and Trustees. Sections 1 through 47 of the Texas Trust Act were published as articles 7425b-1 through 7425b-47 of Vernon’s Revised Statutes.

²⁹ *Anthony* at 19.

³⁰ *Id.* at 22.

³¹ *Id.* at 26. See also Irving, G, *Texas Probate Code*, 19 Tex.B.J. 11 (1956) (cited as *Irving* in this paper); and *Probate Code Institute*, 18 Tex.B.J. 373 (1955) (cited as *Institute* in this paper).

³² *Anthony* at 31. This was a pet project of Mr. Anthony, who complained of the “evil burdens and discriminations” of existing mineral statutes.

decedents and guardianships, such as bonds and venue, were combined.³³

3.3 New Provisions. In addition to revisions of existing laws through combination and elimination of needless duplication, a number of new provisions were added, including the small estates provisions found in Sections 137 through 144,³⁴ procedures for closing independent administrations,³⁵ the various procedures relating to recognition of foreign wills,³⁶ and Section 69 making provisions in favor of a spouse void upon divorce,³⁷ . But probably the new provision we should be most grateful for is the self-proving affidavit found in Section 59.³⁸ Thank you, John Anthony!³⁹ At the time, it was believed that Texas was the first state to have enacted this type of alternative method of proving due execution of a will. However, prior laws in New York and West Virginia were later discovered.

3.4 This Was a Big Deal!. “A standing-room-only crowd of 1,700 lawyers flocked to Dallas the day before the convention began [June 29, 1955] to attend a daylong institute on the new Texas Probate Code.”⁴⁰ Can you imagine that many lawyers gathering today to learn about the Estates Code? According to Dean Moorhead, “Primarily, the Texas Probate Code is a codification, rather than a measure designed to make any sweeping changes in our present probate law.”⁴¹ Other speakers included W. O. Huie of Austin,⁴² former Judge Atwood McDonald of Fort Worth, and Frank J. Scurlock of Dallas.

4. Subsequent Significant Probate Code Revisions.

While the revisions and additions listed below are by no means an exhaustive list of significant changes to the Probate Code following its passage in 1955, they do include a number of changes that we now take for granted.

³³ An effort that was “undone” 38 years later when the guardianship provisions were extracted and moved to new Chapter XIII of the Probate Code.

³⁴ *Anthony* at 39; *Irving* at 43. Section 144 was subsequently repealed in 1993, when its substance was moved to Section 887 as part of the enactment of Chapter XIII.

³⁵ *Anthony* at 40; *Irving* at 44.

³⁶ *Anthony* at 41; *Irving* at 43.

³⁷ *Anthony* at 43; *Irving* at 42

³⁸ *Anthony* at 42.

³⁹ George Irving notes that a self-proved will was sometimes referred to as “A John Anthony Will.” *Irving* at 42.

⁴⁰ *Institute* at 373. And yes, it was a “convention” back then, not the Annual Meeting.

⁴¹ *Id.* at 373.

⁴² Whom this author remembers as his Marital Property Law professor at the University of Texas School of Law in 1979.

4.1 1961. On January 25, 1961, the Texas Supreme Court held that Section 46, which authorized rights of survivorship, could not extend to survivorship rights between spouses in community property. *Hilley v. Hilley*, 342 S.W.2d 565 (Tex. 1961). At the time, spouses not change the marital property characterization of property by mere agreement. By looking at this issue as solely a matter of contract, the court concluded that since the consideration furnished by each spouse was community property, the “fruits” of the contract would be community, and when the first spouse died, he or she still owned a community interest in the property. The court felt that changing the passage of title that would otherwise apply in the event of intestacy would somehow constitute such a change. The legislature attempted to respond to the *Hilley* case by adding a sentence making Section 46 specifically applicable to community property.⁴³ Section 58a was added, allowing a testator to devise property to a revocable trust created before or concurrently with the execution of the will, and have the property be governed by the terms of the trust, including amendments after the execution of the will. The muniment of title procedure was also added.

4.2 1969. The 1961 legislative attempt to get around the *Hilley* decision was subsequently ruled unconstitutional in *Williams v. McKnight*, 402 S.W.2d 505 (Tex. 1966), and in 1969, the legislature gave up its quest to provide for community property survivorship agreements (at least for the time being). The reference to spouses in Section 46 was eliminated.⁴⁴ And a number of other changes were made to reflect the state’s lowering of the age of majority to eighteen (*e.g.*, an eighteen-year-old could now execute a will).

4.3 1971. After a six-year study by REPTL, in 1971, the legislature adopted Section 36A, providing for **durable** powers of attorney, and Section 149A, allowing an interested person to demand an accounting from an otherwise independent executor.⁴⁵ A number of other miscellaneous revisions were included in that REPTL bill. That same year, the legislature enacted Section 37A, a proposal of the Taxation Section of the State Bar, a provision that for the first time codified a

⁴³ Hudspeth, C. M., and Nance, James K., *A Synopsis of Recent Texas Legislation*, 24 Tex. B.J. 817 (1961).

⁴⁴ Saunders, C., *Legislation 1969 - Real Estate, Probate and Trust Law*, 32 Tex. B.J. 584 (1969).

⁴⁵ Remy, W., *Effective dates of AMENDMENTS to the PROBATE CODE and a brief summary of the CHANGES made*, 34 Tex.B.J. 885 (1971).

provision allowing beneficiaries to disclaim a testamentary gift.⁴⁶

4.4 **1973.** Until 1973, original probate jurisdiction rested with county courts, and district courts had appellate jurisdiction.⁴⁷ That year, the legislature submitted a constitutional amendment authorizing statutory redistribution of probate jurisdiction, and a statutory redefinition of the district court revising its probate jurisdiction in probate matters contingent on passage of the constitutional amendment.⁴⁸ While the district court's appellate jurisdiction under Article V, Section 8, of the Constitution and Section 5 of the Probate Code was eliminated, but due to what was described as a "reform effort ... marred either by careless draftsmanship or by the legislature's unwillingness to place adequate restrictions on politically powerful county court judges," the legislature failed to eliminate the district court's probate review by appeal, certiorari, bill of review and mandamus.⁴⁹ Nevertheless, as a result of the 1973 legislation, district courts for the first time had concurrent **original** probate jurisdiction with the county courts in those counties where there was no statutory court exercising probate jurisdiction, eliminating the need for the district court's appellate trial *de novo*.⁵⁰ In addition, new Section 5 expanded the county court's probate jurisdiction to permit the court to hear all matters "incident to an estate" (including a nonexclusive list of matters considered incidental).⁵¹

4.5 **1975.** Many of the deficiencies of the 1973 legislation identified in *Schwartzel & Wilshusen I* were addressed in 1975 legislation.⁵² The bill promoted "the legislative goal of destroying *de novo* review" and introduced mandatory transfers of contested matters in constitutional county courts to the district court upon the motion of any party.⁵³ The nonexclusive list of matters "incident to an estate" was lengthened.⁵⁴

⁴⁶ *Id.* at 886.

⁴⁷ Schwartzel, Boone, and Wilshusen, Doug, *Texas Probate Jurisdiction – There's a Will, Where's the Way?*, 53 Tex.L.Rev. 323 (1975) (cited as *Schwartzel & Wilshusen I* in this paper).

⁴⁸ *Id.*

⁴⁹ *Id.* at 323.

⁵⁰ *Id.* at 324-326.

⁵¹ *Id.* at 335-336.

⁵² Schwartzel, Boone, and Wilshusen, Doug, *Texas Probate Jurisdiction: New Patches for the Texas Probate Code*, 54 Tex.L.Rev. 372 (1976) (cited as *Schwartzel & Wilshusen II* in this paper).

⁵³ *Id.* at 377-380.

⁵⁴ *Id.* at 382-383.

4.6 **1978 Interim Report.** Following the 1977 legislative session, the following interim charge was issued to the House Judiciary Committee, chaired by the Hon. Ben Z. Grant:

A review of the probate laws of Texas, including a study of the advantages and disadvantages of enacting, in whole or in part, the Uniform Probate Code. This study should also include recommendations as to the need for further recodification of the existing probate laws.⁵⁵

4.7 **Changed Society.** The 1955 codification had not been intended to make radical changes in the former law, but rather to eliminate conflicts, resolve ambiguities, and modernize archaic language. Therefore, at least 95% of the 1955 Probate Code consisted of a rearrangement and re-enactment of the prior statutes.⁵⁶ In 1848, when many of those statutes were first adopted, Texas had a population of 200,000, and remained primarily a rural and agrarian state until after World War II.⁵⁷ But the years following that war were marked by rapid urbanization and population growth so that by 1978, Texas was the third most populous state in the nation, after California and New York.⁵⁸ Only 3% of the population continued to live on farms (and presumably ranches). A complete review of the probate statutes, originally designed for an agrarian society, was thought wise for what was now a relatively urban state.⁵⁹

4.8 **Uniform Probate Code Rejected.** Following one full committee hearing in Austin in 1977 and three subcommittee hearings in Dallas, San Antonio, and Levelland in 1978, the Judiciary Committee concluded that overall, the Texas Probate Code was superior to the Uniform Probate Code. Texas had introduced independent administration in 1845, and for over a century, it remained the only state with that type of simplified administration.⁶⁰ While the Uniform Probate Code offered two methods of administration – supervised and unsupervised (the latter being based largely on Texas' independent administration procedures) – the Texas Probate Code, in combination with common law, offered at least seventeen possible

⁵⁵ September 23, 1978, letter to the Hon. Bill Clayton, Speaker of the House, transmitting the *Interim Report*.

⁵⁶ *Interim Report* at 1.

⁵⁷ *Id.*

⁵⁸ Texas' population did not surpass New York's until 1994. *A Rank That Rankles: New York Slips to No. 3; Now Texas Is 2n Most Populous State*, New York Times (5/19/94).

⁵⁹ *Interim Report* at 2.

⁶⁰ *Id.*

methods of administration, depending on the needs of a particular estate.⁶¹

4.9 36 Recommendations. The *Interim Report* made thirty-six separate recommendations, but only four involved adoption of Uniform Probate Code provisions. Those related to inheritance rights of children born out of wedlock, simultaneous death, children believed dead at the time of writing of a will, and contractual wills. A fifth recommendation involved codifying existing Texas law relating to nontestamentary transfers along the structural lines of the corresponding Uniform Probate Code provisions, without enacting any of the uniform code's provisions that clashed with existing Texas law.⁶²

4.10 1979. As a result of the *Interim Report*, in 1979, the legislature adopted what was described as the only comprehensive revision of the Probate Code since its 1955 enactment except for the 1971 changes.⁶³ Among the numerous changes were amendments to the 1971 disclaimer statute to add the nine-month requirement found in Internal Revenue Code Section 2518 and the simultaneous death provisions, requiring a beneficiary to survive the decedent by 120 hours. Several new provisions were added, including Section 59A (providing that contracts to make (or not revoke) a will could only be established by a will provision stating its material terms), Sections 149B (providing a method for a court-ordered accounting and distribution by an independent executor) and 149C (providing for removal of an independent executor under certain circumstances), and Chapter XI (containing a codification of existing Texas case law relating to nontestamentary transfers).⁶⁴

4.11 1981. In 1981, the legislature provided that a written agreement among spouses and a financial institution could provide that funds deposited to an account, plus future interest, would be partitioned into separate property by that agreement, thus allowing the spouses to hold the property as joint tenants with rights of survivorship.⁶⁵ This procedure was required by the "Hilley rule" set forth in the *Hilley* case.

4.12 1983. In 1983, the most significant legislation affecting estate planning and probate practitioners was the enactment of the Texas Trust

Code as part of the codification of the Property Code.⁶⁶ While there were a number of minor amendments to the Probate Code, there were no significant changes.⁶⁷

4.13 1985. One little phrase added in 1985 provided a significant clarification and expansion of statutory probate court jurisdiction. Actions "by or against a personal representative" were added to the list of causes of actions that were appertaining to or incident to an estate in statutory probate courts, giving them concurrent jurisdiction with district court in a wide variety of cases.⁶⁸

4.14 1987. In 1987, voters approved an amendment to Article XVI, Section 15, of the Texas Constitution that authorized spouses to hold community property with rights of survivorship, eliminating the procedure required by the Hilley rule.⁶⁹ New Section 46(b) was added as the enabling legislation.

4.15 1989. In 1989, the jurisdiction of statutory probate courts was further expanded.⁷⁰ The durable power of attorney statute (then Section 36A) was redrafted (temporarily adding a witness requirement), and a non-Probate Code change for the first time authorized statutory durable powers of attorney for health care decisions. And the language of Section 46(b) was further refined and moved to new Part 3 of Chapter XI (Sections 451-462).

4.16 1991. Perhaps the most significant changes affecting probate practice in 1991 were not Probate Code amendments. Amendments to the Government Code removed statutory **probate** courts from the definition of statutory **county** courts, eliminated the probate jurisdiction of the latter in counties that contained the former, and added a provision listing the powers and duties of a statutory probate court or its judge. In the Probate Code itself, a notable change was the enactment of the "anti-Boren" portion of Section 59. In *Boren v. Boren*, 402 S.W.2d 725 (Tex. 1966), the Texas Supreme Court invalidated a will if the testator or witnesses inadvertently failed to sign the will itself, even though they had signed the self-proving affidavit. After the 1991 amendment, the

⁶¹ *Id.* at 3-4.

⁶² *Id.*

⁶³ *Grant & Whitehill* at 892.

⁶⁴ *Id.* at 894-900.

⁶⁵ Saunders, C., *1981 Legislation - Real Estate, Probate and Trust Law*, 44 Tex. B.J. 1199 (1981).

⁶⁶ McMahan, K., *Recent Legislative Developments* (State Bar of Texas' 1983 Advanced Estate Planning and Probate Course).

⁶⁷ See also Saunders, C., *1983 Legislation - Real Estate, Probate and Trust Law*, 46 Tex. B.J. 1215 (1983).

⁶⁸ Saunders, C., *1985 Legislation - Real Estate, Probate and Trust Law*, 48 Tex. B.J. 1322 (1985).

⁶⁹ Cenatiempo, M. and Rogers, M., *Legislative Developments* (State Bar of Texas' 1989 Advanced Estate Planning and Probate Course).

⁷⁰ *Id.*

will could upheld by treating the signatures in the self-proving affidavit to be signatures to the will (but it was no longer considered self-proved). Also, an initial version of the Guardianship Code was also introduced and withdrawn in 1991.⁷¹

4.17 **1993.** In 1993, three significant changes were enacted. New Chapter XII included a Texas version of the 1987 Uniform Durable Power of Attorney Act (after having failed to pass in 1991), prepared by a REPTL committee headed by Houston attorney Charles W. Giraud, a past chair of the section.⁷² The guardianship provisions that had been combined with decedents' estates provisions when the Probate Code was originally enacted in 1955 were extracted from Title 1 and placed in new Chapter XIII.⁷³ This was the culmination of a ten-year REPTL project led by Professor Thomas M. Featherston, Jr., the Mills Cox Professor of Law at Baylor Law School, as the chief scrivener and reporter.⁷⁴ And the intestacy rules applicable to community property were changed so that for the first time, it was possible for the surviving spouse to inherit the deceased spouse's half of the community estate (if the survivor was the other parent of all of the deceased spouse's children).⁷⁵ The legislature also added a new Chapter XII providing for a new type of estate administration called "informal probate." (With the addition of the Durable Power of Attorney Act, this meant that we had two Chapter XII's.)

4.18 **1995.** In 1995, the legislature enacted the product of a REPTL joint committee of real estate and probate lawyers (with input from judges and bankers) headed again by Prof. Featherston. The proposal provided some needed clarification of the creditors' claims procedures to be followed in independent administrations and the handling of secured claims in any administration. The legislature also tried to fix problems with the informal probate procedures it had first enacted two years earlier.

4.19 **1997.** In 1997, S.B. 504 added the Uniform Transfer on Death Security Registration Act as Part 4 of Chapter XI of the Probate Code. It was

⁷¹ Flores, M., *Overview of State Bar and State Bar Section Sponsored Legislation – Final Disposition by the 72nd Legislature*, 54 Tex. B.J. 706 (1991).

⁷² Golden, A., *1993 Legislative Update* (State Bar of Texas' 1993 Advanced Estate Planning and Probate Course) (cited in this paper as *Golden 1993*).

⁷³ See Saunders, C., *1993 Update - Real Estate, Probate and Trust Law Legislation*, 56 Tex. B.J. 896, at 899 (1993).

⁷⁴ *Golden 1993*.

⁷⁵ *Id.*

signed by the Governor on April 17th, with a September 1st effective date. This uniform act's enactment apparently motivated some people to actually read it, and in response to perceived problems with the uniform act, a month later the House amended S.B. 506 on the floor to repeal the uniform act before it ever went into effect, and merely add securities and accounts with financial institutions to the list of property covered by the provisions for payment or transfer at death covered by existing Section 450.⁷⁶ Two important changes were made to the Durable Power of Attorney Act. First, any power granted to a spouse would terminate upon divorce. Second, the original initialing method of opting in to listed powers was changed to a strikeout method of opting out, a change that remained with us until switched back by a non-REPTL bill in 2013, effective January 1, 2014.⁷⁷ The legislature also gave up on its attempt to clean up the informal probate provisions enacted four years earlier and just repealed them in their entirety.

4.20 **1999.** In 1999, the legislature continued its expansion of statutory probate court jurisdiction by expanding its transfer powers under Section 5B and 608 to include any cause of action in which a personal representative was a party, whether or not otherwise appertaining to or incident to the estate pending in the court.⁷⁸ The legislature also introduced the requirement that court-appointed attorneys (*e.g.*, attorneys ad litem) in guardianship proceedings be certified as having successfully completed a three-hour course of study.

While the previous paragraphs by no means constitute an exhaustive discussion of all significant amendments to the Probate Code, we'll use the turn of the millennium as a milestone that ends our discussion of post-1955 amendments. Let's skip ahead a few years.

5. The Codification Process.

5.1 Purposefully-Delayed Codification.

According to the chairs of the Probate Code Codification Committee (discussed below), because of the anticipated disruption to our practice that would be caused by a codification project, many years ago the leadership of the Real Estate, Probate and Trust Law Section of the State Bar of Texas, acting through its Council ("REPTL") convinced the Legislative Council

⁷⁶ Jones, J., *Texas Legislative Report 1997 – Next to Last Stop Before the Millenium (The End is Near Report)* (State Bar of Texas' 1997 Advanced Estate Planning and Probate Course).

⁷⁷ *Id.*

⁷⁸ Jones, J., *Texas Legislative Report 1999 – Laws for the Millenium* (State Bar of Texas' 1999 Advanced Estate Planning and Probate Course).

to delay the project as long as possible by placing the Probate Code at the end of the project list.⁷⁹ This “convincing” was likely made easier by the fact that the probate laws, unlike the rest of the Revised Statutes, had already been somewhat organized through the 1955 enactment of the Probate Code. But by 2006, the Legislative Council ran out of other codification projects and turned its attention to the Probate Code.

5.2 Nature of Codification. The Legislative Council’s nonsubstantive revision process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law if practicable — all toward promoting the stated purpose of making the statutes “more accessible, understandable, and usable” without altering the sense, meaning, or effect of the law.⁸⁰ The Legislative Council staff encourages examination and review of all proposed code chapters by any interested person. The staff attempts to include in the proposed code all source law assigned to the code and to ensure that no substantive change has been made in the law. A complete and adequate outside review is necessary, however.

5.3 Chief Revisors. The two members of the Legislative Council legal staff primarily responsible for the production of the nonsubstantive revision of the Probate Code were Maria Breitschopf and Anne Peters. Ms. Breitschopf was responsible for the decedents’ estates revisions passed by the 81st (2009) Legislature, while Ms. Peters was responsible for the guardianship and power of attorney revisions passed by the 82nd (2011) Legislature. Questions, comments, or suggestions relating to the project may be directed to either of them at:

Texas Legislative Council
P. O. Box 12128
Austin, Texas 78711
512-463-1155
or
maria.breitschopf@tlc.state.tx.us or
anne.peters@tlc.state.tx.us

⁷⁹ Anderson, B., and Featherston, T., *Probate Code Recodification Project Overview*, State Bar of Texas 32nd Annual Advanced Estate Planning and Probate Course (2008).

⁸⁰ *Drafting Manual* at p. 147. See also www.tlc.state.tx.us/code_overview.htm.

6. REPTL’s Probate Code Codification Committee.

When REPTL learned in the summer of 2006 that the Legislative Council was going to codify the Probate Code, it began to work actively with the Legislative Council staff on the codification project.⁸¹

6.1 Probate Code Codification Committee.

REPTL established a Probate Code Codification Committee, which was co-chaired by Prof. Featherston and Barbara McComas Anderson, a Dallas attorney, both of whom are former REPTL chairs. Through a series of meetings with Legislative Council staff, it was ultimately decided that:

- REPTL and the Legislative Council would cooperate in determining how the new code would be organized.
- The Legislative Council would take the lead in drafting the new code, although REPTL’s committee would work on substantive changes to some of the thorniest provisions, like jurisdiction, venue, and independent administration, where it was considered difficult or impossible to codify the current statutes without some tweaking.
- The chapters of the code governing decedents’ estates would be drafted first, to be submitted to the Legislature for adoption in 2009.
- The remaining chapters of the code, including those provisions governing guardianships and powers of attorney, would be drafted after the 2009 session, with a goal of submitting these chapters to the Legislature for adoption in 2011.
- REPTL would assist the Legislative Council during the entire legislative process, including providing expert review of chapters as they are drafted and expert testimony about legislation before the Legislature.

6.2 Committee Make-Up. The Probate Code Codification Committee consisted of the Probate Division of the REPTL Council, including then-current Council members and Past Chairs.⁸² From time to time, judges, professors, and other private practitioners were invited to participate in their meetings. Lisa Jamieson, a Fort Worth attorney (and REPTL Chair for the 2013-2014 Bar year), agreed to be chair of the Jurisdiction and Venue Drafting Committee. Later, Stephanie Donaho, a Houston attorney, took over the

⁸¹ March 8, 2007, letter from Glenn Karisch to Maria Breitschopf.

⁸² March 28, 2007, memorandum from the Co-Chairs.

role of chair of the Independent Administration Drafting Committee. And Jerry Frank Jones, an Austin attorney (and a REPTL Past Chair), headed the Legislative Council Coordination Committee.

6.3 Work Begins. An organizational meeting of the Probate Code Codification Committee was held April 13, 2007, at Baylor Law School in Waco.⁸³ Topics for discussion included whether any of the similar rules for decedents' estates and guardianship should be combined or kept separate,⁸⁴ appropriate jurisdiction and venue provisions for counties without a statutory probate court, and clarification of independent administration provisions, such as claims procedures and powers of sale.

6.4 Proposed Code Structure. Prof. Featherston took a first crack at drafting an outline of the structure for the new code in 2007.⁸⁵ When Legislative Council prepared its initial drafts of what it originally called the "Estates and Guardianships Code,"⁸⁶ that fall, its structure was remarkably similar to the one proposed by Prof. Featherston. By November, the Estates Code had been organized into the following Titles:

Title 1: General Provisions (Sec. 22.001, *et seq.*)

Title 2: Estates of Decedents (Sec. 31.001, *et seq.*);
Durable Powers of Attorney (Sec. 751.001, *et seq.*)

Title 3: Guardianship and Related Provisions
(Sec. 1001.001, *et seq.*)

7. Legislative Council's First Drafts.

7.1 First Drafts. Legislative Council provided REPTL with preliminary drafts of Titles 1 and 2 at that time, but since it had not yet drafted the new power of attorney provisions, these initial drafts merely transferred the existing power of attorney provisions found in Chapter XII of the Probate Code to Title 2 of the Estates Code and renumbered them, without

revision.⁸⁷ These drafts also transferred the independent administration, jurisdiction, and venue provisions of the Probate Code to a portion of Title 2 and transferred the guardianship provisions of the Probate Code (Chapter XIII) to Title 3 of the Estates Code, all without any revision.

7.2 A Conundrum. Here's an example of the kind of esoteric issues that Legislative Council had to deal with.

(a) Internal References to "This Code." In drafting these provisions, Legislative Council struggled with what most of us would consider an extremely minor matter – references in the general procedural provisions of the Probate Code to "this code." As an example, they pointed to Probate Code Section 22, which provides that the rules relating to witnesses and evidence that govern in district courts should apply to the extent practicable in proceedings arising under the provisions of "this Code." As described above, when the original Probate Code was enacted in 1955, the provisions relating to decedents' estates and guardianships were combined, so many general provisions applied to both.

(b) Separate Guardianship Provisions. But as noted above, in 1993, the legislature separated the guardianship provisions from the decedents' estates provision. New Chapter XIII, which contained the guardianship provisions, replicated many of those general procedural provisions. The applicability of those provisions was clearly limited to guardianship matters. Further, Section 603 provided that the laws and rules applicable to decedents' estates would continue to apply to guardianships to the extent they were not inconsistent with the guardianship provision. However, while replicating many of these provisions to be applicable just to guardianship matters, the legislature failed to amend the original provisions to state that they applied only to decedents' estates. They still referred to proceedings under "this Code." This wasn't really necessary, since if any of the existing general provisions applicable to the entire Probate Code conflicted with a more specific provision applicable to guardianship matters only, the general rules of statutory construction would make the more specific provisions control the general provisions. So the older provisions purporting to apply to the entire Probate Code actually only applied to the non-guardianship portions, which at that time consisted only of the decedents' estates provisions, except to the extent those older provisions were made applicable to guardianship matters by virtue

⁸³ Agenda of the Probate Code Codification Organizational Meeting (4-12-07).

⁸⁴ The rules were only separated twenty years ago, when the guardianship provisions were "extracted" from the decedents estates provisions and moved to new Chapter XIII.

⁸⁵ REPTL Recodification Project Probate Code Structure Discussion Outline (8/24/07), reproduced as *Probate Code Recodification Project Overview* at the State Bar's 2008 Advanced Estate Planning and Probate Course.

⁸⁶ Legislative Council had researched other states' names for what we call the Probate Code in a document titled *How the 50 States Group & Label their Probate and Related Provisions* (6/15/07).

⁸⁷ October 31, 2007, memorandum from Maria Breitschopf to REPTL.

of Section 603. Got that? Unfortunately, we're not done.

(c) Separate Power of Attorney Provisions.

During the same 1993 legislative session in which the guardianship provisions were moved to new Chapter XIII, the legislature enacted the Durable Power of Attorney Act as new Chapter XII of the Probate Code. While Legislative Council recognized that the general procedural provisions referencing "this code" seemed to have little practical applicability to the power of attorney provisions, its staff was unable to conclude based on legislative history that limiting those general procedural provisions to decedents' estates would be a nonsubstantive revision of existing law.

(d) Conclusion.

Therefore, Legislative Council combined the power of attorney provisions with the decedents' estates provisions in Title 2, and changed references to "this code" found in those general procedural provisions to "this title."

7.3 Original Effective Dates. Originally, Legislative Council anticipated introducing a bill including Titles 1 and 2 in 2009, with an effective date of April of 2011, while a bill including Title 3 plus revision of the power of attorney provisions would be prepared for introduction in 2011, with an effective date of April of 2013.

7.4 Facilitation of Review. The preliminary drafts were prepared to facilitate their review. Each chapter included both the text of the proposed Estates Code provisions and the text of the current Probate Code provisions from which they were drawn. If needed, a Revisor's Note was included to provide further explanation.

8. Review of Proposed Chapters.

8.1 Early REPTL Review. In early 2008, Prof. Featherston and Ms. Anderson distributed these general drafts to the Probate Code Codification Committee for preliminary review. By July 1st, REPTL initiated the process of obtaining approval from the State Bar Board of Directors to "carry" both the nonsubstantive codification provisions and the substantive provisions dealing with independent administration, jurisdiction, and venue as "Bar bills."

8.2 Call for Volunteers. In July, Alvin J. Golden, an Austin attorney (also a REPTL Past Chair), e-mailed members of the Texas Academy of Probate and Trust Lawyers, seeking volunteers to review the drafts and compare them to current law, paying particular attention to whether any of the language in the drafts

might make an inadvertent substantive change to existing law.⁸⁸

8.3 Distribution of Chapters. Beginning in August of 2008, Prof. Featherston and Ms. Anderson parceled out chapters of the proposed code to volunteer reviewers. But while this review was going on, Hurricane Ike hit the Gulf Coast and caused significant delays in the reviews by volunteers from that area of Texas (e.g., Houston). Remember all of the flooded basements of office buildings and courthouses? That hurricane also led to the cancellation of the REPTL Fall Council meeting, at which these proposed chapters were going to be discussed.

8.4 Revised Effective Date. During this review process, REPTL became concerned about the confusion that would be caused by the two-year difference in effective dates for the two parts of the Estates Code. Eventually, it was agreed that both the 2009 and 2011 enactments would have the same effective date, and that date would be after the end of the 2013 session in order to make that session available to correct any errors identified after the 2009 and 2011 enactments but prior to their effective date. And since it was such a major change, January 1st of 2014 was selected as the effective date, rather than the more common September 1st effective date for most legislation.

9. 2009 Nonsubstantive Legislation.

9.1 Bills Introduced. The review was eventually completed prior to the beginning of the 2009 legislative session, and the proposed nonsubstantive revision of the decedents' estates portion of the Probate Code was filed in the 2009 legislative session as **HB 2502** by Rep. Will Hartnett of Dallas and **SB 2071** by Senator Duncan of Lubbock. The House version passed both chambers with an effective date of January 1, 2014.

9.2 But the Name Changed! But prior to passage of the bill in the House, Rep. Hartnett raised concerns about the title "Estates and Guardianship Code" being a mouthful. This author provided Rep. Hartnett with a number of the alternate titles that had been considered by Legislative Council and REPTL.⁸⁹ He chose to shorten the name of the new Code to just the "Estates Code" when HB 2502 passed on the floor of the House.

⁸⁸ E-mail from Al Golden to members of the Texas Academy of Probate and Trust Lawyers (7/21/08)

⁸⁹ This author's preference expressed to Rep. Hartnett at the time was the "New Probate Code," since that's what many people are going to call it. Obviously, my powers of persuasion are not my strong suit.

10. 2009 Substantive Legislation.

10.1 Independent Administration, Jurisdiction, and Venue Bills. As noted above, Legislative Council did not attempt to make a nonsubstantive codification of the independent administration, jurisdiction, or venue provisions, leaving it up to REPTL to come up with substantive revisions for these provisions. The REPTL substantive independent administration proposals were introduced as **HB 3085**, and the jurisdiction and venue proposals were introduced as **HB 3086**. Unfortunately, neither of these bills passed both chambers of the legislature. They fell victim to a last-minute logjam of bills in the Senate that had a multitude of causes, an explanation of which would substantially lengthen this paper. But due to the hard work of Rep. Will Hartnett and the cooperation of Sen. John Carona of Dallas, the language of the jurisdiction portions of H.B. 3086 was engrafted at the last minute onto the conference committee report for **SB 408**, a bill otherwise dealing with judicial administration, and passed **on the last day of the session**.

10.2 Only Jurisdiction Passed. The jurisdiction and venue provisions were originally revised with the goal of making them more streamlined and easier to understand. However, because of the different courts in Texas that have original probate jurisdiction based on which county you find yourself in, there is a limit to how much streamlining can be achieved. A version of these revisions was included in the introduced version of HB 3086, but due to opposition from Texans for Lawsuit Reform and the Texas Civil Justice League to some of the proposed venue changes, all of the venue provisions were stripped from the bill prior to its approval in the House. And as noted, the stripped-down language was eventually added to SB 408 before it was passed. These jurisdiction provisions were “double-billed,” meaning that the substantive changes were made to the appropriate provisions of the Probate Code, effective September 1, 2009, and the same substantive changes were made to the corresponding provisions of the Estates Code, effective January 1, 2014. What follows is a description of those substantive changes that have been in effect for over four years that were prepared as a part of the Estates Code project.

(a) “Probate Proceedings.” The term “probate proceedings” was used to define the matters that must be brought in a court exercising original probate jurisdiction. In addition to the jurisdiction of a court to exercise original probate jurisdiction over “probate proceedings,” the provisions set out each

court’s power to hear matters “related to a probate proceeding.” (Say goodbye to the old “appertaining to or incident to an estate.”) If a matter was merely “related to a probate proceeding,” then it did not have to be brought in the court exercising original probate jurisdiction unless that court was a statutory probate court. All matters “related to a probate proceeding” had to be brought in a statutory probate court unless the statutory probate court had concurrent jurisdiction with the district court on a matter related to a probate proceeding.

(b) Statutory County Courts. The types of courts exercising original probate jurisdiction did not change. However, the probate jurisdiction of statutory county courts was expanded to include the interpretation and administration of testamentary trusts if the will creating the trust was admitted to probate in that court.

(c) Transfer of Contested Matters. The provisions outlining the transfer of contested matters from a court with original probate jurisdiction were modified slightly with the hope of alleviating some of the jurisdictional traps that had been associated with these transfer statutes.

- If a contested matter was transferred from a county court to a district court, any matter related to the probate proceeding could be brought in the district court proceeding. The district court, on its own motion or the motion of any party, could determine that the new matter was not contested and transfer the new matter back to the county court that had original jurisdiction of the probate proceeding. In addition, jurisdiction for any other contested matters filed after the transfer of a contested matter to district court would be in the same district court.
- If a contested matter was assigned to a statutory probate judge, then any other contested matters filed after the assignment must be assigned to a statutory probate judge.
- In those counties where there was a statutory county court exercising original probate jurisdiction, a contested matter must be transferred to that court on motion of any party. In addition, the judge of the constitutional county court, on his or her own motion or on the motion of any party, could transfer the entire proceeding to the statutory county court. If only the contested portion of the proceeding was transferred to the statutory county court, it could be returned to the county court for further proceedings once resolved.

(d) Statutory Probate Courts. A new provision granted statutory probate courts concurrent jurisdiction with district courts over certain matters involving trusts and powers of attorney, and certain matters involving a personal representative in personal injury lawsuits.

11. 2011 Nonsubstantive Legislation.

After the 2009 legislative session, Legislative Council turned its attention to the guardianship and power of attorney portions of the Probate Code. REPTL appointed Deborah Green of Austin and Linda Goehrs of Houston (both of whom had served terms as past chairs of REPTL’s Guardianship Committee) as the co-chairs of its Probate Code Codification Committee dealing with this aspect of the codification process, and it underwent a similar review under their direction (no hurricane this time!). This portion of the nonsubstantive recodification was introduced as **HB 2759** (Hartnett) and **SB 1299** (Duncan). The House version passed, was signed by the Governor, and goes into effect with the rest of the Estates Code on January 1, 2014.

12. 2011 Substantive Legislation.

12.1 Independent Administration. The substantive independent administration changes that REPTL had tried and failed to pass in 2009 were incorporated into REPTL’s main Decedents’ Estates bill in 2011. Those bills were introduced as **HB 2046** (Hartnett) and **SB 1198** (Rodriguez). The 2009 independent administration revisions were designed to bring some clarification to three areas of independent administration:

1. Specifying the authority of an independent executor or administrator to sell assets in the absence of an express grant in the will;
2. Detailing the procedures for presenting and dealing with creditors’ claims; and
3. Providing a simpler procedure for filing a notice that an independent administration has “closed” without the need for a full accounting of all receipts and disbursements.

Here are the highlights of those provisions:

(a) Consent to Independent Administration. Provisions were added allowing parents of minor children and trustees to consent to independent administration by agreement where no conflict exists.

(b) Power of Sale. The revisions confirmed that an independent representative may sell without a court order under the same circumstances that a

dependent representative could sell with a court order. In administrations without a will, or where a will failed to expressly grant a power of sale, an independent administrator could be granted a power of sale over real property in the order of appointment if the beneficiaries who would receive the real property consented to the power (avoiding a later need to obtain their consent). Perhaps more importantly from a practical standpoint, the revisions included a new concept (borrowed from the Trust Code) providing statutory protection for third parties who rely on the apparent authority of an independent representative where a power of sale is granted in the will or the representative provides an affidavit that the sale is necessary under the circumstances described in Probate Code Section 341(1)/Estates Code Section 356.251(1).

(c) Secured Claims. Over twenty-five years ago, the Texas Supreme Court ruled that secured creditor elections found in Probate Code Section 306 applied to independent administrations.⁹⁰ However, the Probate Code was never amended to recognize this. Therefore, the revisions paid special attention to providing guidance regarding the handling of secured claims. Secured creditors electing matured, secured status must file a notice in the official records of the county in which the real property securing the indebtedness is located. Those creditors must obtain court approval or the administrator’s consent to exercise any foreclosure rights. Secured creditors electing preferred debt and lien status may not exercise any nonjudicial foreclosure rights during the first six months of the administration.

(d) Presentment of Claims. Creditors must present their claims or respond to notices (i) in a written instrument⁹¹ that is hand-delivered or sent by certified mail, in either case with proof of receipt, to the administrator or the administrator’s attorney; (ii) in a pleading filed in a lawsuit with respect to the claim; or (iii) in a written instrument or pleading filed in the court in which the administration is pending.

(e) Limitations. The running of the statute of limitations is tolled only by (i) a written approval of a claim signed by the administrator, (ii) a pleading filed in a suit pending at the time of the decedent’s death, or (iii) a suit brought by the creditor against the administrator. The mere presentment of a claim or

⁹⁰ See *Geary v. Texas Commerce Bank*, 967 S.W.2d 836 (Tex. 1998).

⁹¹ The REPTL 2013 Decedents’ Estates bill, **HB 2912** (Thompson), further modified this provision to require that the written instrument meet the requirements of an authenticated claim in a dependent administration.

notice does not toll the running of the statute of limitations.

(f) Other Procedures Inapplicable. Other claims procedures generally do not apply. Specifically, a claim is not barred merely because a creditor fails to file suit within ninety days following the rejection of a claim.

(g) Closing Administration. In addition to existing procedures for closing independent administrations, an administrator may elect to close an independent administration by filing an affidavit stating that all known debts have been paid, or have been paid to the extent the assets of the estate will permit; that all remaining assets have been distributed; and the names and addresses of the distributees. Once the administration is closed, third parties may deal directly with the distributees. See the attachments to this paper for a form for this notice. However, a new provision explicitly recognizes that independent representatives are not required to close an estate.

12.2 Consolidation of Venue Statutes.

Finally, the 2011 substantive legislation included provisions consolidating venue statutes, including venue for heirship proceedings previously located in the heirship provisions, in one place. At the request of certain probate judges, the then-current provision allowing an heirship proceeding to be brought in a guardianship proceeding following the death of an intestate ward was modified to continue to allow venue in that county, but require that the heirship proceeding be brought as a separate cause. The bill also added clarification that Probate/Estates Code venue provisions are subordinate to the Travis County venue provided by Property Code Section 123.005 for suits by the Attorney General's office related to breach of fiduciary duties by charitable organizations or their agents.

13. General Code Update Bills.

While both nonsubstantive codification bills have passed and will go into effect on January 1st without further action, that doesn't mean the codification process is finished. Substantive amendments to the Probate Code were made in both the 2009 and 2011 sessions that were not included in the nonsubstantive portions of the Estates Code that were enacted those years. Since the Estates Code is intended to be a nonsubstantive codification of the Probate Code **as it exists immediately prior to 2014** (*i.e.*, on December 31, 2013), there is a continuing need to make additional nonsubstantive revisions to incorporate changes to the Probate Code made prior to that time that were not incorporated into the Estates Code. In

addition, one reason for the delayed effective date of the Estates Code mentioned above was to provide time for "errors" to be discovered and corrected prior to that effective date. These same issues apply not just to the Estates Code, but to other codes enacted as part of the nonsubstantive codification process. Legislative Council regularly prepares what it refers to as a "general code update bill." In 2011, that bill was **SB 1303** (West), a **very** lengthy bill that made "nonsubstantive" revisions to a number of codes, including the Estate Code and the Trust Code (see Article 8 and Secs. 21.002 and 21.003 of the bill).

The stated purposes of the general code update bill were:

- codifying without substantive change or providing for other appropriate disposition of various statutes that were omitted from enacted codes;
- conforming codifications enacted by the 81st Legislature to other Acts of that legislature that amended the laws codified or added new law to subject matter codified;
- making necessary corrections to enacted codifications; and
- renumbering or otherwise redesignating titles, chapters, and sections of codes that duplicate title, chapter, or section designations.

The 2011 general code update bill passed, and the portions relating to the Estates Code were effective January 1, 2014. In 2013, the general code update bill was **SB 1093** (West). It also contained numerous Estates Code provisions that were effective January 1, 2014.

Any revisions to the Probate Code in the 2013 session would go into effect on September 1st, only to be superseded by the Estates Code four months later. REPTL did not think any of its decedents' estates or guardianship proposals were important enough to warrant that extra four months of effect. Therefore, REPTL opted to keep its 2013 proposals simpler by only proposing changes to the Estates Code that were effective January 1, 2014.

Only two 2013 bills that passed made changes to the Probate Code. Both went into effect September 1, 2013. **HB 2380** (Davis, S.) amended the forfeiture clause enforceability provisions that were enacted in 2009 (Probate Code Sec. 64). And **HB 789** (King) increased the allowances in lieu of homestead and other exempt property (Probate Code Sec. 273). But since both of these bills made the same changes to the corresponding provisions of the Estates Code

(Secs. 254.005 and 353.053, respectively), effective January 1, 2014,⁹² there may be little, if any, need for any Estates Code provisions in the 2015 general code update bill.

14. General Organization of the Estates Code.

As noted previously, the organization of the Estates Code generally follows Prof. Featherston's suggestions.

14.1 **Title 1** includes general provisions such as the purpose and construction of the code and definitions.

14.2 **Title 2** includes provisions dealing with both decedents' estates and powers of attorney, beginning with jurisdiction and venue (Subtitle A), procedural matters (Subtitle B), passage of title and distribution of property in general (Subtitle C), proceedings before administration (Subtitle D), intestacy (Subtitle E), wills (Subtitle F), initial appointment and opening of administration (Subtitle G), continuation of administration (Subtitle H), independent administration (Subtitle I), miscellaneous administration matters (Subtitle J), foreign wills (Subtitle K), escheat (Subtitle L), and durable powers of attorney (Subtitle P),⁹³

14.3 **Title 3** contains the guardianship provisions previously found in Chapter XIII of the Probate Code. Because those provisions were essentially "recodified" when they were moved to the new Chapter XIII in 1993, they required less revision and reorganization on the part of Legislative Council than the decedents' estates provisions.

15. Intentional Ambiguities.

An interesting aspect (at least to this author) of the nonsubstantive nature of the statutory revision program is that if Legislative Council determines that an existing statute contains an ambiguity, the revised law attempts to preserve that ambiguity.

15.1 **Appointment of Appraisers.** For example, Probate Code Section 248, dealing with the appointment of appraisers in decedents' estates, was revised by two different bills in 2005. The two versions were essentially identical except that one authorized an "interested person" to move for the appointment of appraisers while the other referred to an "interested party." Legislative Council determined that the legislative intent was ambiguous, so the revised law (Section 309.001) preserves the ambiguity by including

virtually identical subsections (a) and (b), the former referring to an "interested party" and the latter referring to an "interested person."⁹⁴

15.2 **Allowance for Defending Will.** Probate Code Section 243, dealing with an allowance for defending a will, provides in its first sentence that an administrator with the will or alleged will annexed "shall be allowed" out of the estate the administrator's necessary expenses and disbursements in proceedings defending the will. But the second sentence provides that the same representative "may be allowed" those expenses in the same type of proceedings. That ambiguity is preserved in Estates Code Sections 352.052(a) and (b).⁹⁵

15.3 **Settlements With Predecessor Guardians.** Probate Code Section 763, dealing with successor guardians, allows the successor to settle with the predecessor and provide a receipt for the portion of the estate remaining in the hands of the **successor** guardian. It is probable that that reference to the successor is erroneous and instead should have referred to the predecessor guardian. Nevertheless, the ambiguity is preserved in Estates Code Section 1203.202.⁹⁶

15.4 **Guardianship Dockets.** And, if one is interested, Estates Code Section 1052.001, dealing with guardianship dockets, preserves an ambiguity with respect to the use of the word "estate" in its source law, Probate Code Section 623.⁹⁷ However, the explanation of the nature of the ambiguity is a bit too convoluted to be included here.

16. But You Haven't Explained Why the Estates Code Begins With Chapter 21!

16.1 **Section 21.001.** Section 21.001 – Purpose of Code is the very first section in our new Estates Code. Why isn't it Section 1.001? This is a very good question that this author has been asked numerous times while delivering legislative updates that include discussions of the Estates Code. And one for which this author, until recently, had no answer. But now there appears to be an answer.⁹⁸

⁹² The tactic described earlier as "double-billing."

⁹³ There are no Subtitles M, N, or O. Presumably, they have been reserved for expansion.

⁹⁴ Revisor's Report submitted by Legislative Council to the 81st Legislature (2009) following Estates Code Section 309.001.

⁹⁵ *Id.* following Estates Code Section 352.052.

⁹⁶ Revisor's Report submitted by Legislative Council to the 82nd Legislature (2011) following Estates Code Section 1203.202.

⁹⁷ *Id.* following Estates Code Section 1052.001.

⁹⁸ The answers were provided by Anne Peters, Legislative Council's aforementioned Chief Revisor for the guardianship

16.2 Temporary Transfer of Probate Code Chapters. As noted previously, as the Estates Code was enacted in **HB 2502** (2009) and **HB 2759** (2011), certain portions of the Probate Code were transferred to the Estates Code without revision as part of the continuing statutory revision program. In some cases, this was due to anticipated substantive revisions to be undertaken by REPTL. For example, in 2009:

- The general provisions, including jurisdiction and venue, found in Sections 2, 4, 5, 5A, 5B, 5C, 6, and 8 found in Chapter I of the Probate Code were transferred to Chapter I, Subtitle X, Title 2, of the Estates Code (with the same section numbers),⁹⁹ in anticipation of future substantive revision by REPTL.
- The independent administration provisions found in Sections 145 through 154A were transferred without renumbering to Part 4, Chapter VI, Subtitle Y, Title 2, of the Estates Code,¹⁰⁰ in anticipation of the unsuccessful 2009 substantive revision by REPTL that passed in 2011.
- The Durable Power of Attorney Act found in Chapter XII was transferred without renumbering to Subtitle Z, Title 2, of the Estates Code,^{101,102} in anticipation of the anticipated 2011 substantive revision by REPTL based on the 2006 Uniform Power of Attorney Act.
- And all of the guardianship provisions found in Chapter XIII were transferred without renumbering to Chapter XIII of the Estates Code,^{103,104} in anticipation of the 2011 nonsubstantive revision by Legislative Council.

and power of attorney portions of the Estates Code, in e-mails to this author on December 10, 2013. Whether or not they are actually THE answers is irrelevant to this author. It's my story and I'm stickin' to it.

⁹⁹ HB 2502, Section 2.

¹⁰⁰ HB 2502, Section 3.

¹⁰¹ HB 2502, Section 4.

¹⁰² REPTL was unsuccessful in its 2011 attempt to make substantive revisions to the power of attorney statutes, so the Durable Power of Attorney Act was codified pursuant to the continuing statutory revision program in 2011's HB 2759 and is now found in Chapters 751 and 752 of the Estates Code.

¹⁰³ HB 2502, Section 5.

¹⁰⁴ While it was anticipated that the guardianship provisions would be codified pursuant to the continuing statutory revision program in 2011, they were moved "as is" in 2009 to the Estates Code so that even if the anticipated codification failed to take place, all of the old Probate Code could be repealed effective January 1, 2014.

16.3 "Chapter 21" Fits the Bill. Because of the transfer of certain portions of the Probate Code to new chapters of the Estates Code, up to and including Chapter XIII, Legislative Council chose to begin the portions of the Estates Code codified pursuant to the continuing statutory revision program with something that would follow "Chapter 13." And why, you ask, did they not start with Chapter 14? Because Legislative Council prefers to begin with chapter numbers that have the numeral "1" in the ones' column. The first unused chapter number that fit this description was Chapter 21. End of story.

17. What About Issues "Overlapping" January 1st?

17.1 No More "Probate Code" After 2013.

The Probate Code is repealed, effective January 1, 2014. Period. Let's say you've got an estate administration pending at the end of 2013. Does that mean that on January 1st, the Probate Code no longer applies? As a general rule, the answer is "yes." To the author's knowledge, all of the bills relating to the Probate Code in the last three sessions, taken together, repeal every section of the Probate Code effective January 1, 2014. And all of the bills relating to the Estates Code in the last three sessions go into effect on January 1, 2014. As noted above, even the only two bills passed in 2013 that made revisions to the Probate Code effective September 1, 2013 (**HB 2380** relating to forfeiture clauses in wills and **HB 789** increasing allowances in lieu of homestead and exempt property) provide that those revised sections of the Probate Code are repealed effective January 1st. Both bills make identical changes to the corresponding Estates Code provisions that go into effect on January 1st.

17.2 The Estates Code Applies. The Estates Code will apply to pending estates. There is nothing in the **nonsubstantive** Estates Code bills that makes them inapplicable to estates pending on January 1st. There really was no need to deal with pending estates separately in the nonsubstantive bills – while the code name and section numbers may have changed, the rules didn't – that's why they're called "nonsubstantive" revisions.

17.3 Continued [Limited] Relevance of Probate Code. But the Probate Code will [sort of] remain relevant. Even though the Probate Code is repealed in its entirety on January 1st, that doesn't mean that it will be completely irrelevant after 2013. For example, this year's REPTL Decedents' Estates bill (**HB 2912**) makes a number of **substantive** changes that go into effect January 1st. There are **some** changes that apply to estate administrations pending or commenced on or after January 1st. But you have to

check. Section 62 of the bill contains special transitional rules applicable to some of the changes made by the bill:

- A change prohibiting the use of unsworn declarations in self-proving affidavits applies only to wills executed **on or after** January 1st. (A will executed **before** January 1st “is governed by the law in effect on the date the will was executed, and the former law is continued in effect for that purpose.”)
- Changes relating to genetic testing and gestational agreements apply only to heirships commenced **on or after** January 1st. (But an heirship commenced **before** January 1st “is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.”)
- A change relating to competing applications for letters filed by persons equally entitled to them applies only to applications filed **on or after** January 1st. (A competing application filed **before** January 1st “is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.”)
- A number of changes apply only to actions filed or proceedings commenced **on or after** January 1st. (But an action filed or proceeding commenced **before** January 1st “is governed by the law in effect on the date the action was filed or the proceeding was commenced, and the former law is continued in effect for that purpose.”)
- And a number of other changes apply only to the estates of decedents dying **on or after** January 1st. (But for purposes of those specific changes, the estate of a decedent dying **before** January 1st “is governed by the law in effect on the date of the decedent's death, and the former law is continued in effect for that purpose.”)

For these listed categories, the law “in effect” before January 1st and “continued in effect for that purpose” is the corresponding Probate Code provision that had been repealed, since the corresponding unamended Estates Code provision hadn't gone into effect yet.

17.4 To Replead or Not to Replead? That is a Question. Should live pleadings be “replead” with updated references to the Estates Code after January 1st? Hopefully not,¹⁰⁵ but then as a practical matter, that depends on the judge you're before. Certainly, Probate Code references should be converted

to the corresponding Estates Code provisions in any amended or new pleadings filed after January 1st. And statutory references in any orders should definitely refer to the Estates Code.

18. Construction Issues.

18.1 Statutory References to the Probate Code. One of the purposes of Legislative Council's general code update bills is to revise other statutes that refer to repealed sections of the Probate Code so that they now refer to the corresponding Estates Code provision. But just in case they miss anything, Estates Code Section 21.003(a) provides a catch-all solution:

(a) A reference in a law other than in this code to a statute or a part of a statute revised by, or redesignated as part of, this code is considered to be a reference to the part of this code that revises that statute or part of that statute or contains the redesignated statute or part of the statute, as applicable.

And in addition to this specific provision in the Estates Code, the Code Construction Act (Chapter 311 of the Government Code), which applies to all of the codifications made pursuant to 1963's SB 367, covers this same situation:

Sec. 311.027. **STATUTORY REFERENCES.** Unless expressly provided otherwise, a reference to any portion of a statute or rule applies to all reenactments, revisions, or amendments of the statute or rule.

18.2 Other References to the Probate Code. It is not clear whether Sec. 311.027 applies only to references in other statutes, or to any reference, whether in a statute, agreement, or other instrument (it probably doesn't). It would have been nice had the Estates Code included a provision similar to Trust Code Sec. 111.002:

Sec. 111.002. **CONSTRUCTION OF SUBTITLE.** This subtitle and the Texas Trust Act, as amended (Articles 7425b-1 through 7425b-48, Vernon's Texas Civil Statutes), shall be considered one continuous statute, and **for the purposes of any statute or of any instrument creating a trust that refers to the Texas Trust Act**, this subtitle shall be considered an amendment to the Texas Trust Act.

18.3 Change Your Forms! But the Estates Code doesn't include this provision. Part of the reason may be that for the most part, the Estates Code truly is a nonsubstantive codification of the Probate Code. The Trust Code, on the other hand, while enacted as part of

¹⁰⁵ Every judge with probate jurisdiction whom this author has consulted agrees with this conclusion.

the nonsubstantive codification of the Property Code, was drafted as part of a 10-year REPTL project that began in 1973. While much of the Texas Trust Code is a nonsubstantive codification of the Texas Trust Act, REPTL intentionally also included new provisions relating to contemporary trust practice that were left unaddressed by the Trust Act, along with provisions relating to trusts that were not a part of the Trust Act but could be logically integrated into the Trust Code.

REPTL is considering proposing the addition of language similar to that found in Trust Code Sec. 111.002 to the Estates Code in 2015.

19. Legislative Council's Bills are Intended as Nonsubstantive Revisions, But ...

Pursuant to its mandate to craft a purely nonsubstantive revision, Section 11 of HB 2502 and Section 4.01 of HB 2759 both provide that the respective acts are "intended as a recodification only, and no substantive change in law is intended by" either bill. However, that does not mean that the actual language of the Estates Code will be treated as a nonsubstantive revision if the actual language used by Legislative Council inadvertently introduces a substantive change.

19.1 **Fleming Foods.** The 1999 Texas Supreme Court case of *Fleming Foods of Texas, Inc., v. Rylander*¹⁰⁶ addressed the issue of whether a taxpayer (Fleming) who paid sales tax to a vendor could seek a refund from the State without receiving an assignment of refund rights from the vendor. Texas Tax Code Section 111.104(b) provided that a "tax refund claim may be filed with the comptroller by the person who paid the tax." There was no question that Fleming was the "person who paid the tax." However, the source law for this provision when the Tax Code was enacted in 1981 pursuant to the continuing statutory revision program (former Article 1.11A) provided that a refund claim could be filed by any person who paid the tax "directly to the state." The bill enacting the Tax Code contained the same provision stating that no substantive change was intended, and based upon that intent (and notwithstanding the clear language of Tax Code Section 111.104(b)), the Court of Appeals held that Fleming lacked standing to seek a refund because it did not pay taxes "directly to the state."¹⁰⁷

19.2 **Unintended Substantive Change Controls.** But the Supreme Court overturned the Court of Appeals decision, rejecting the notion that prior law and legislative history can be used to alter or disregard

the express terms of a code provision when its meaning is clear and unambiguous when considered in its entirety.¹⁰⁸ Therefore, all we can conclude is that while no substantive change was intended by Legislative Council in drafting the nonsubstantive bills, should someone discover a substantive change in the clear, unambiguous language of a new Estates Code provision, that change will likely carry the day.

20. Other [Free!] Resources.

20.1 **Revisor's Reports.** Legislative Council has prepared and posted online two Revisor's Reports – the first an 882-page report indicating the derivation of each section of the nonsubstantive Estates Code passed in 2009, and a second a 715-page report indicating the derivation of each section of the nonsubstantive Estates Code passed in 2011. You can find a link to the both Revisor's Reports on the Legislative Council website at:

www.tlc.state.tx.us/code_current_estates.htm.

20.2 **Beyer's Estates Code and Conversion Tables.** Prof. Gerry Beyer of the Texas Tech University School of Law has prepared and posted online a very helpful compilation of the entire Estates Code through the 2013 session. Prof. Beyer has also posted derivation and disposition tables to help you find where a Probate Code section went (or where an Estates Code section came from). These documents can be found at:

professorbeyer.com/Estates_Code/Texas_Estates_Code.html

20.3 **"Official" Estates Code.** The versions of the Texas Constitution and statutes available online from the state now include the Estates Code. You can find those items, and specifically the Estates Code, at:

www.statutes.legis.state.tx.us/?link=ES.

¹⁰⁶ *Fleming Foods of Texas, Inc., v. Rylander*, 6 S.W.3d 278 (Tex. 1999) (cited as *Fleming Foods* in this paper).

¹⁰⁷ *Id.* at 281.

¹⁰⁸ *Id.* at 284.

Conversion Chart – Probate Code to Estates Code

Courtesy of Prof. Gerry Beyer as of December 3, 2013
 (Check professorbeyer.com/Estates_Code/Texas_Estates_Code.html for updates.)

<u>Probate Code</u>	<u>Estates Code</u>	<u>Probate Code</u>	<u>Estates Code</u>	<u>Probate Code</u>	<u>Estates Code</u>
2(a) (part)	21.006	4A	32.001	15	52.052
2(c)	21.004	4B	31.002	16	52.003
3 (part)	22.001	4C	32.002	17	52.004
3(a)	22.002	4D	32.003	17A	52.053
3(b)	22.004	4E	32.004	18	54.052
3(c)	22.005	4F	32.005	19	53.101
3(d)	22.006	4G	32.006	20	53.102
3(e)	22.007	4H	32.007	21	55.002
3(f)	22.019	5B	34.001	22	51.203, 54.051
3(g)	22.007	5C	34.002	23	53.105 repealed
3(h)	22.008	6	33.001	24	53.001
3(i)	22.009	6A	33.002	25	53.106
3(j)	22.010	6B	33.003	26	55.151, 55.152
3(k)	22.011	6C	33.004	27	55.201, 55.202, 55.203
3(l)	22.012	6D	33.005	28	351.053
3(m)	22.013	8(a)	33.051, 33.052, 33.055	29	351.002
3(o)	22.015	8(b)	33.053, 33.101	31	55.251, 55.252
3(p)	22.016	8(c)(1)	33.102	32	351.001
3(q)	22.017	8(c)(2)	33.103	33(a)	51.001
3(r)	22.018	8(d)	33.104	33(b)	51.001
3(s)	22.020, 22.021	8(e)	33.054	33(c)	51.002, 51.003
3(t)	22.022	9	54.002	33(d)	51.151
3(u)	22.023 repealed	10	55.001	33(e)	51.056
3(v)	22.024	10A(a)	55.051, 55.052	33(f)(1)	51.101, 51.051
3(w)	22.025	10A(b)	55.053	33(f)(2)	51.053
3(x)	22.027	10B	55.101, 55.102	33(f)(3)	51.054
3(z)	22.028	10C	54.001	33(g)	51.104
3(aa)	22.031	11	52.051	33(h)	51.102
3(bb)	22.029, 31.001	11A	53.053	33(i)	51.103
3(dd)	22.030	11B	53.054	33(j)	51.202
3(ee)	22.032	12(a)	53.051	34	51.055
3(ff)	22.034	12(b)	53.052	34A	53.104
3(ii)	22.007	12(c)	53.052	35	51.201
3(jj)	22.026	13	52.001	36(a)	351.352, 351.353, 351.354
3(kk)	22.003	13(e)	52.051	36(b)	351.355
3(ll)	22.014	14	52.002	36B	151.001
3(mm)	22.033				

The Story of the Texas Estates Code

Probate Code	Estates Code	Probate Code	Estates Code	Probate Code	Estates Code
36C	151.002	42(c)	102.001, 353.001	53A(f)	204.055
36D	151.003	42(d)	201.055	53A(g)	204.056
36E	151.004	43	201.101	53B(a)	204.101
36F	151.005	44(a)	201.151	53B(b)	204.102
37	101.001, 101.003, 101.051	44(b)	201.151	53B(c)	204.103
37A(a)	122.002	44(c)	201.152	53C(a)	204.151
37A(b)	122.003	45	201.003	53C(b)	204.152
37A(c)	122.101	46(a)	101.002, 111.001	53C(c)	204.152
37A(d)	122.102	46(b)	111.002	53C(d)	204.153
37A(e)	122.001	47(a)	121.051-121.053	53D	204.201
37A(f)	122.103	47(b)	121.151	53E	204.001
37A(g)	122.051	47(c)	121.101, 121.102	54	202.201
37A(h)	122.052-112.055	47(d)	121.152	55(a)	202.202, 202.203
37A(i)	122.056	47(e)	121.153	55(b)	202.204
37A(j)	122.005	47(f)	121.001	55(c)	202.205
37A(k)	122.004	47A(a)	123.101	56	202.206
37A(l)	122.151, 112.152	47A(b)	123.102	57	251.001
37A(m)	122.153	47A(c)	123.102	58(a)	251.002
37A(n)	122.104	47A(d)	123.103	58(b)	251.002
37A(o)	122.105, 122.106	47A(e)	123.103	58(c)	255.002, 255.003
37A(p)	122.057	47A(f)	123.104	58(d)	255.001
37B(a)	122.201	48(a)	202.001, 202.002, 202.003 repealed	58a	254.001
37B(b)	122.202, 122.203	48(b)	202.006	58b	254.003
37B(c)	122.204	48(c)	202.003 repealed	58c	255.351
37B(d)	122.205	49(a)	202.004, 202.005	59(a)	251.051, 251.052, 252.102, 251.103, 251.104
37B(e)	122.206	49(b)	202.007, 202.008	59(a-1)	251.1045
37C(a)	255.101	50(a)	202.051, 202.054	59(b)	251.101, 251.104, 251.105
37C(b)	255.102	50(b)	202.052	59(c)	251.102, 251.106
38(a)	201.001	50(c)	202.053	59A	254.004
38(b)	201.002	50(d)	202.055	60	251.052, 251.107
39	201.102, 201.103	50(e)	202.056	61	254.002
40	201.054	51	202.101-202.103	62	254.002
41(a)	201.056	52	203.001	63	253.002
41(b)	201.057	52A	203.002	64	254.005
41(c)	201.060	53(a)	202.151	67(a)	255.052
41(d)	201.058, 201.059, 201.061	53(b)	202.009	67(a)(1)	255.053
41(e)	201.062	53(c)	202.009	67(a)(2)	255.054
41(f)	201.062	53A(a)	204.051	67(b)	255.055
42(a)	201.051	53A(b)	204.052	67(c)	255.051
42(b)(1)	201.052	53A(c)	204.053	67(d)	255.052
42(b)(2)	201.053	53A(d)	204.053		
		53A(e)	204.054		

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67(e)	255.056	83(b)	256.102	103	502.001
68(a)	255.153, 255.154	83(c)	256.103	104	502.002
68(b)	255.152	84(a)	256.152	105	501.006
68(c)	255.152	84(b)	256.153	105A(a)	505.001, 505.003
68(d)	255.152	84(c)	256.154	105A(b)	505.004, 505.005
68(e)	255.151	84(d)	256.155	105A(c)	505.002
69(a)	123.001	85	256.156	105A(d)	505.002
69(b)	123.001	87	256.157	105A(e)	505.006
69(c)	123.002	88(a)	256.151, 301.151	106	505.051
69A	253.001	88(b)	256.152	107	505.052
70	255.201 repealed	88(c)	301.152	107A(a)	505.101
70A(a)	255.252	88(d)	301.153	107A(b)	505.101
70A(b)	255.253	88(e)	301.154	107A(c)	505.102
70A(c)	255.251	89	256.201	107A(d)	505.103
71(a)	252.001, 252.003	89A(a)	257.051, 257.052	108	152.001, 152.004
71(b)	252.002	89A(b)	257.053	109	152.001
71(c)	252.004	89B	257.054	110	152.001
71(d)	252.051, 252.052	89C(a)	257.001	111(a)	152.002
71(e)	252.101-252.105	89C(b)	257.101	111(b)	152.003
71(f)	252.151, 252.152	89C(c)	257.102	112	152.002
71(g)	252.153	89C(d)	257.103	113(a)	152.051
71A(a)	255.301	90	256.202	113(b)	152.052
71A(b)	255.302	91	256.203	113(c)	152.054
71A(c)	255.303	92	362.002	113(d)	152.055
72(a)	256.002, 301.001, 454.001, 454.002, 454.004, 454.051, 454.052	93	256.204	114(a)	152.053
72(b)	454.003	94	256.001	114(b)	152.055
73	256.003	95(a)	501.001	115(a)	152.101
74	301.002	95(b)	501.002, 501.003	115(b)	152.101
75	252.201-252.204	95(c)	501.003, 503.002, 505.052	115(c)	152.102
76	256.051, 301.051	95(d)	504.003, 501.004, 501.005	115(d)	152.102
77	304.001	95(e)	501.007	128(a)	258.001, 303.001
78	304.003	95(f)	501.008	128(b)	258.002
79	304.002	96	503.001, 503.003	128(c)	258.003, 303.002
80(a)	301.201	97	503.001	128A(a)	308.001
80(b)	303.201, 301.202	98	503.051	128A(a-1)	308.0015
80(c)	301.203	99	503.052	128A(b)	308.002
81(a)	256.052, 256.053	100(a)	504.001	128A(c)	308.002
81(b)	256.054	100(b)	504.002, 504.004	128A(d)	308.002
82	301.052	100(c)	504.003	128A(e)	308.003
83(a)	256.101	101	504.051, 504.052	128A(f)	308.002
		102	504.053	128A(g)	308.004
				128A(h)	308.004
				128B(a)	258.051

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128B(b)	258.051	145(o)	401.001	153	405.010
128B(c)	258.051	145(p)	401.005	154	404.004
128B(d)	258.052	145(q)	351.351, 401.007	154A	404.005
128B(e)	258.053	145(r)	401.008	154A(i)	351.351
129A	258.101, 303.003	145A	401.006	155	101.052, 453.001, 453.002
131A(a)	452.001, 452.003	145B	402.002	156	101.052, 453.006
131A(b)	452.002	145C(a)	402.051	160(a)	453.003
131A(c)	452.003	145C(b)	402.052	160(b)	453.003, 453.004
131A(d)	452.004	145C(c)	402.053	160(c)	453.003, 453.004
131A(e)	452.005	145C(d)	402.054	168	453.006-453.008
131A(f)	452.006	146(a)(1)	403.051	176	453.005
131A(g)	452.006	146(a)(2)	403.051	177	453.009
131A(h)	452.006	146(a)(3)	403.051	178(a)	306.001
131A(i)	452.007	146(a)(4)	403.001	178(b)	306.002
131A(j)	452.008	146(a-1)	403.051	178(c)	306.001
132(a)	452.051	146(b)	403.052	179	301.101
132(b)	452.052	146(b-1)	403.053	180	301.153
133	452.101, 452.102	146(b-2)	403.054	181	306.003
134	452.151	146(b-3)	403.055	182	306.004
135	452.152	146(b-4)	403.056	183	306.005
137(a)	205.001-205.004	146(b-5)	403.056	186	306.007
137(b)	205.008	146(b-6)	403.057	187	306.006
137(c)	205.006	146(b-7)	403.058	188	307.001
137(d)	205.005	146(c)	403.0585	189	305.002
138	205.007	147	403.059	190(a)	305.051
139	451.001	148	403.060	190(b)	305.052
140	451.002	149	404.002	190(c)	305.053
141	451.003	149A	404.001	190(d)	305.054, 305.055
142	451.004	149B	405.001	192	305.003, 305.054
143	354.001	149C	404.0035, 404.0036, 404.0037	194	303.101, 305.106
145(a)	none	149D	405.003	194(1)	305.151
145(b)	401.001	149E	405.003	194(2)	305.151
145(c)	401.002, 401.003	149F	405.003	194(3)	305.152
145(d)	401.002	149G	405.011	194(5)	305.154
145(f)	401.004	150	405.008	194(6)	305.155
145(g)	401.003	151(a)	405.004	194(7)	305.156
145(h)	402.001	151(a-1)	405.005	194(8)(a)	305.157
145(i)	401.004	151(b)	405.006	194(8)(b)	305.156
145(j)	401.004	151(c)	405.007	194(8)(c)	305.156
145(k)	401.004	151(d)	405.007	194(8)(d)	305.156
145(l)	401.004	151(e)	405.002	194(8)(e)	305.158
145(m)	401.004	152	405.009	194(9)	305.159
145(n)	401.004				

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194(10)	305.201	221(e)	361.005	248	309.001
194(11)	305.202	221(f)	361.005	249	309.003
194(12)	305.201, 305.207	221A	56.001	250	309.051. 309.056
194(13)	305.153	221B	56.002	251	309.052
194(14)	305.160	222(a)(1)	361.051	252	309.053
195	305.101	222(a)(2)	361.054	253	309.002
196	305.108	222(b)	361.052	255	309.054
197	305.107, 305.109	222(c)	361.053	256	309.101
198	305.103	222A	361.054	257	309.102
199	305.104	223	361.152	258	309.103
200	305.105	224	361.153	259	309.104
201(a)	305.203	225	361.153	260	309.055
201(b)	305.204	226	361.154	261	309.151
201(c)	305.205	227	361.155	262	354.051
202	305.204	230	351.101	263	354.052
203	305.251	232	351.102	264	354.053
204	305.251	233(a)	351.151	265	354.054
205	305.252	233(b)	351.152	266	354.055
206(a)	305.252	233(c)	351.152	267	354.056
206(b)	305.253	233(d)	351.152	268	354.057
207	305.254	233(e)	351.153	269	354.058
208	305.255	233A	351.054	270	102.004
209	305.257	234(a)	351.051	271	353.051
210	305.256	234(b)	351.052	272	353.052
211	305.206	235	351.103	273	353.053
212	305.206	238(a)	351.201	274	353.055, 353.056
213	305.110	238(b)	351.202	275	353.054
214	305.102	238(c)	351.203	277	353.151
215	305.102	238(d)	351.203	278	353.152
216	305.102	238(e)	351.203	279	353.153
217	305.102	238(f)	351.202	280	353.154
218	305.111	238(g)	351.204	281	353.155
220(a)	361.102	238(h)	351.205	282	102.002
220(b)	361.103	238(i)	351.205	283	102.003
220(c)	361.104	238A	351.104	284	102.005
220(d)	361.105	239	351.301-351.303	285	102.006
220(e)	361.106	240	307.002	286	353.101
220(f)	361.101	241(a)	352.002-352.004	287	353.102
220(g)	361.151	241(b)	352.001	288	353.101
221(a)	361.001	242	352.051	289	353.103
221(b)	361.002	243	352.052	290	353.104
221(c)	361.003	244	352.053	291	353.105
221(d)	361.004	245	351.003	292	353.106, 353.107

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293	353.107	319	355.101	334	356.101, 356.102
294(a)	308.051	320(a)	355.103	335	356.151-356.155
294(b)	308.052	320(b)	355.104	336	356.103
294(c)	308.051	320(c)	355.105	337	356.104
294(d)	308.054	320(d)	355.106	338	356.201-356.203
295	308.053	320A	355.110	339	356.105
296	308.055	321	355.108	340	356.257
297	308.056	322	355.102	341	356.251
298(a)	355.001, 355.060	322A(a)	124.001	342	356.252
298(b)	355.061	322A(b)	124.005	344	356.253
299	355.008	322A(c)	124.006	345	356.254
301	355.004, 355.059	322A(d)	124.006	345A	356.255
302	355.007	322A(e)	124.006	346	356.256
303	355.006, 355.062	322A(f)	124.006	347	356.601, 356.602
304	355.005	322A(g)	124.007	348(a)	356.301, 356.302
306(a)	355.151	322A(h)	124.008	348(b)	356.351-356.353
306(b)	355.152	322A(i)	124.009	349(a)	356.401
306(c)	355.153	322A(k)	124.010	349(b)	356.402
306(c-1)	355.153	322A(l)	124.003	349(c)	356.403
306(d)	355.154	322A(m)	124.010	349(d)	356.404
306(e)	355.155	322A(n)	124.014	349(e)	356.405
306(f)	355.156	322A(o)	124.015	350	356.451
306(g)	355.157	322A(p)	124.004	351	356.501, 356.502
306(h)	355.158	322A(q)	124.011	352(a)	356.651
306(i)	355.158, 355.159	322A(r)	124.012	352(b)	356.652
306(j)	355.158	322A(s)	124.001	352(c)	356.653
306(k)	355.160	322A(t)	124.013	352(d)	356.654
307	355.003	322A(u)	124.015	352(e)	356.655
308	355.002	322A(v)	124.016	353	356.551
309	355.051	322A(w)	124.017	354	356.553-356.555
310	355.052	322A(x)	124.002	355	356.552, 356.556
311	355.053	322A(y)	124.018	356	356.557
312(a)	355.054	322B	355.109	357	356.558
312(b)	355.055	323	355.112	358	356.559
312(c)	355.056	324	355.203	359	357.001
312(d)	355.057	326	355.107	360	357.001
312(e)	355.058	328	355.113	361	357.002
313	355.064, 355.066	329(a)	351.251	362	357.005
314	355.065	329(b)	351.252	363	357.003
315	355.111	329(c)	351.252, 351.253	364	357.004
316	355.202	331	356.001	365	357.051
317	355.201	332	356.002	366	357.052
318	355.063	333	356.051	367(a)	358.001

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367(b)	358.051	399(b)	359.002	436(14)	113.004
367(c)	358.051-358.060	399(c)	359.003, 359.004	436(15)	113.001
368(a)	358.101	399(d)	359.005	437	113.101
368(b)	358.102	400	359.101	438(a)	113.102
369(a)	358.151	401	359.051-359.054	438(b)	113.103
369(b)	358.151-358.155	402	359.006	438(c)	113.104
370	358.201	403	359.102	438A(a)	113.004
371	358.251-358.254	404	362.001	438A(b)	113.105
373(a)	360.001	405	362.003, 362.004	438A(c)	113.105
373(b)	360.001	405A	362.007	438A(d)	113.154
373(c)	360.002	406	362.051	438A(e)	113.105
374	360.051	407	362.005	438A(f)	113.206, 113.208
375	360.052	408(a)	362.006	438A(g)	113.208
377	360.101	408(b)	362.011	438B	113.106, 113.1541
378	360.102	408(c)	362.012	439(a)	113.151
378A(a)	124.052	408(d)	362.013	439(b)	113.152
378A(b)	124.051	409	362.009	439(c)	113.153
378B(a)	310.003	410	362.010	439(d)	113.155
378B(b)	310.004	412	362.008	439A(a)	113.051
378B(c)	310.004	414	362.052	439A(b)	113.052
378B(d)	310.004	427	551.001-551.004	439A(c)	113.053
378B(g)	310.005	428	551.005	439A(d)	113.053
378B(h)	310.001, 310.006	429	551.101	440	113.156, 113.157
378B(i)	310.002	430	551.006	441	113.158
379	360.251	431	551.102	442	113.251-113.252
380(a)	360.151	432	551.103	443	113.201
380(b)	360.152	433(a)	551.051, 551.052	444	113.003, 113.005, 113.202
380(c)	360.153	433(b)	551.052, 551.055	445	113.203, 113.207
380(d)	360.154	433(c)	551.052, 551.053	446	113.204
380(e)	360.155	433(d)	551.054	447	113.205
380(f)	360.156	436(1)	113.001	448	113.209
380(g)	360.157	436(2)	113.001	449	113.210
381(a)	360.201	436(3)	113.001	450(a)	111.051, 111.052
381(b)	360.202	436(4)	113.004	450(b)	111.053
381(c)	360.202	436(5)	113.004	450(c)	111.051
381(d)	360.203	436(6)	113.003	451	112.051
382	360.252	436(7)	113.002	452	112.052
384	360.301	436(8)	113.001	453	112.151
385	360.253	436(9)	113.001	454	112.152
386	360.254	436(10)	113.004	455	112.054
387	360.103	436(11)	113.001	456(a)	112.035, 112.101
398A	351.105	436(12)	113.001	456(b)	112.102
399(a)	359.001	436(13)	113.001		

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456(c)	112.103	491	752.101	601(28)	1002.027
456(d)	112.101	492	752.102	601(29)	1002.008
457	112.104	493	752.103	601(30)	1002.029
458	112.053, 112.105	494	752.104	601(31)	1002.030
459	112.106	495	752.105	602	1001.001,1101.105
460(a)	112.203	496	752.106	603(a)	1001.002
460(b)	112.204	497	752.107	603(b)	1001.003
460(c)	112.206	498	752.108	604	1022.002
460(d)	112.205	499	752.109	605	1022.001
460(e)	112.207	500	752.110	606 repealed	none
460(f)	112.201, 112.202	501	752.111	606A	1021.001
460(g)	112.208	502	752.112	607 repealed	none
461	112.251-112.253	503	752.113	607A	1022.002
462	112.002	504	752.114	607B	1022.003
471	123.051	505	752.115	607C	1022.004
472(a)	123.052	506	751.003	607D	1022.005
472(b)	123.053	601	1002.001	607E	1022.006
473(a)	123.054	601(1)	1002.002	608	1022.007
473(b)	123.055	601(2)	1002.003	609	1022.008
481	751.001	601(3)	1002.004	610	1023.001
482	751.002	601(4)	1002.005	611	1023.002
483	751.004	601(5)	1002.006	613	1023.004
484	751.051	601(6)	1002.007	614	1023.005
485	751.052	601(7)	1002.009	615	1023.006
485A	751.053	601(8)	1002.008	616	1023.007
486	751.054	601(9)	1002.010	617	1023.008
487	751.055-751.056	601(10)	1002.011	618	1023.009
487A	751.057	601(11)	1002.012	619	1023.010
488	751.058	601(12)	1002.013	621	1052.051
489	751.151	601(12-a)	1002.014	622(a)	1053.051
489B(a)	751.101	601(13)	1002.016	622(b)	1053.052
489B(b)	751.102	601(14)	1002.017	622(c)	1053.052
489B(c)	751.103	601(15)	1002.018	623(a)	1052.001
489B(d)	751.104	601(16)	1002.019	623(b)	1052.051
489B(e)	751.104	601(18)	1002.020	624	1052.002
489B(f)	751.103	601(19)	1002.021	625	1052.052
489B(g)	751.105	601(20)	1002.022	626	1052.003
489B(h)	751.106	601(21)	1002.023	627	1052.004
489B(i)	751.005	601(22)	1002.024	627A	1052.053
489B(j)	751.006	601(23)	1002.028	628	1055.102
490(a)	752.001-752.003, 752.051	601(24)	1002.025	629	1053.101
490(b)	752.004	601(25)	1002.015	630	1053.102
		601(27)	1002.026	632(a)	1051.001

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632(b)	1051.001	647A(d)	1054.203	665C(d)	1155.102
632(c)	1051.002, 1051.003	647A(e)	1054.202	665D	1155.052
632(d)	1051.201	648(a)	1054.102, 1054.105	666	1155.101
632(e)	1051.056	648(b)	1054.103	667	1155.103
632(f)(1)	1051.051	648(c)	1054.104	668	1155.152
632(f)(2)	1051.053	648(d)	1054.104	669	1155.151
632(f)(3)	1051.054	648(e)	1054.105	670(a)	1155.201
632(f)(4)	1051.052	648(f)	1054.101	670(b)	1155.202
632(g)	1051.154	648A(a)	1054.151	670(c)	1155.202
632(h)	1051.152	648A(b)	1054.152	671(a)	1201.001
632(i)	1051.153	648A(c)	1054.153	671(b)	1201.002
632(j)	1051.252	648A(d)	1054.154	671(c)	1201.002
633(a)	1051.101	649	1051.253, 1055.101	671(d)	1201.002, 1201.003
633(b)	1051.102	650	1053.103	671(e)	1201.004
633(c)	1051.103	651	1053.001	672(a)	1201.052
633(d)	1051.104	653	1056.001	672(b)	1201.053
633(d)	1051.104	654	1056.051, 1056.052	672(c)	1201.053
633(e)	1051.105	655	1152.001	672(d)	1201.054
633(f)	1051.104, 1051.106	656	1152.002	672(e)	1201.051
633(g)	1051.101	657	1056.101, 1056.102	673	1164.001
634	1051.055	659(a)	1106.001	674	1164.002
635	1051.251	659(b)	1106.002	675	1151.001
636	1151.301	659(c)	1106.003	676(a)	1104.054
641	1055.002	659(d)	1106.003	676(b)	1104.051
642	1055.001	660	1106.005	676(c)	1104.052
643	1055.052	661	1106.004	676(d)	1104.053
644	1055.051	662	1151.002	676(e)	1104.053
645(a)	1054.051	663	1106.006	676(f)	1104.053
645(b)	1054.055	665(a)	1155.002	676(g)	1202.002
645(c)	1054.054	665(a-1)	1155.004	677(a)	1104.101, 1104.102
645(d)	1054.055	665(b)	1155.003	677(b)	1104.103
645(e)	1054.052	665(c)	1155.006, 1155.007	677(c)	1104.103
645(f)	1054.053	665(d)	1155.006, 1155.007	677(d)	1104.103
645A	1054.056	665 (d-1)	1155.007	677(e)	1202.002
646(a)	1054.001, 1054.003	665(g)	1155.002	677A(a)	1104.152
646(b)	1054.201	665(e)	1155.008	677A(b)	1104.152
646(c)	1054.203	665(f)	1155.005	677A(c)	1104.152
646(d)	1054.005	665(h)	1155.001	677A(d)	1104.156
646(e)	1054.002	665A	1155.051 [repealed]	677A(e)	1104.160
647	1054.004	665B	1155.054	677A(f)	1104.159
647A(a)	1054.201	665C(a)	1155.053	677A(g)	1104.153
647A(b)	1054.201	665C(b)	1155.053	677A(h)	1104.151
647A(c)	1054.202	665C(c)	1155.053	677A(i)	1104.154

The Story of the Texas Estates Code

Probate Code	Estates Code	Probate Code	Estates Code	Probate Code	Estates Code
677A(j)	1104.154	686	1101.053	697(e)	1104.306
677B(a)	1104.157	687(a)	1101.103	697A(a)	1104.257
677B(c)	1104.155	687(b)	1101.103	697A(b)	1104.258
677B(d)	1104.158	687(c)	1101.104	697B(a)	1104.251
677B(e)	1104.157	689	1104.002	697B(b)	1104.255
677B(f)	1104.157	690	1104.001	697B(c)	1104.256
678	1104.353	692	1101.155	697B(d)	1104.254
679(a)	1104.202	693(a)	1101.151	697B(e)	1104.252
679(b)	1104.202	693(b)	1101.152	698(a)	1104.402
679(c)	1104.203	693(c)	1101.153	698(a-1)	1104.406
679A(d)	1104.209	693(d)	1101.153	698(a-2)	1104.406
679(e)	1104.207	693(e)	1101.153	698(a-3)	1104.406
679(f)	1104.202, 1104.212	694	1202.001	698(a-4)	1104.407
679(g)	1104.210	694A(a)	1202.051	698(a-5)	1104.403
679(h)	1104.211	694A(b)	1202.054	698(a-6)	1104.404
679(i)	1104.204	694A(c)	1202.054	698(b-1)	1104.408
679(j)	1104.201	694A(d)	1202.053	698(c-1)	1104.410
679(k)	1104.205	694A(e)	1202.055	698(b)	1104.405
679(l)	1104.205	694B	1202.052	698(c)	1104.409
679A(a)	1104.201	694C(a)	1202.101	698(d)	1104.411
679A(b)	1104.208	694C(b)	1202.101	698(e)	1104.402
679A(c)	1104.206	694C(c)	1202.102	698(f)	1104.412
679A(e)	1104.208	694D	1202.151	699	1105.002
679A(f)	1104.208	694E	1202.153	700	1105.051
680	1104.054	694F	1202.152	701	1105.003, 1105.052
681	1104.351-357	694G	1202.155	702	1105.101
682	1101.001	694H	1202.156	702A	1105.102
682A(a)	1103.001, 1103.003	694I	1202.157	703(a)	1105.003, 1105.151
682A(a-1)	1103.002	694J	1202.154	703(b)	1105.152
682A(a-2)	1103.002	694K	1202.103	703(c)	1105.153
682A(b)	1103.004	694L	1202.102	703(d)	1105.154
683(a)	1102.001, 1102.004	695(a)	1203.102	703(e)	1105.155
683(b)	1102.002	695A(a)	1203.151	703(f)	1105.156
683(c)	1102.005	695A(a-1)	1203.151	703(g)	1105.157
683A	1102.003	695A(b)	1203.152	703(h)	1105.157
684(a)	1101.101	695A(c)	1203.153	703(i)	1105.157
684(b)	1101.101	696	1104.301	703(j)	1105.157
684(c)	1101.101, 1101.102	696A	1104.251	703(k)	1105.157
684(d)	1101.154	696B	1104.253	703(l)	1105.158
684(e)	1101.106	697(a)	1104.302, 1104.303	703(m)	1105.159
685(a)	1101.051	697(b)	1104.303	703(n)	1105.160
685(b)	1101.052	697(c)	1104.304	703(o)	1105.161
685(c)	1101.051	697(d)	1104.305	703(p)	1105.160, 1105.162

Probate Code	Estates Code	Probate Code	Estates Code	Probate Code	Estates Code
703(q)	1105.154	741(a)	1163.001	759(c)	1203.104
703(r)	1105.163	741(b)	1163.002	759(d)	1203.105
703(s)	1105.152	741(c)	1163.003, 1163.004	759(e)	1203.106
704	1105.109	741(d)	1163.004	759(f)	1203.101
705	1105.108, 1105.110	741(e)	1163.005	759(g)	1203.201
706	1105.104	741(f)	1163.005	759(h)	1203.107
707	1105.105	741(g)	1163.006	760(a)	1203.001
708	1105.106	742(a)	1163.051	760(b)	1203.002, 1203.102
708A	1105.107	742(b)	1163.051	760(c)	1203.004
709(a)	1105.201	742(c)	1163.051	760(d)	1203.005
709(b)	1105.202	742(d)	1163.051	760(e)	1203.006
709(c)	1105.203	742(e)	1163.051	760(f)	1203.006
710	1105.202	742(f)	1163.052-1163.054	760(g)	1203.003
711	1105.251	743(a)	1163.101	760A	1057.001
712	1105.251	743(b)	1163.101	760B	1057.002
713	1105.252	743(c)	1163.103	761(a)	1203.051
714(a)	1105.252	743(d)	1163.104	761(b)	1203.056
714(b)	1105.253	743(e)	1163.104	761(c)	1203.052
715	1105.254	743(f)	1163.104	761(c-1)	1203.052
716	1105.255	743(g)	1163.101, 1163.102	761(d)	1203.053
717	1105.257	743(h)	1163.102	761(e)	1203.057
718	1105.256	743(i)	1163.102	761(f)	1203.054, 1203.102
719	1105.204	743(j)	1163.105	761(g)	1203.055
720	1105.204	744	1163.151	762	1203.056
721	1105.111	745	1204.001	763	1203.202
722	1105.103	746	1204.051	764	1203.202
723	1105.103	747	1204.108	765	1203.203
724	1105.103	748	1204.052	767	1151.051
725	1105.103	749	1204.101, 1204.102	768	1151.101, 1151.151
726	1105.112	750	1204.201	769	1151.004
727	1154.001	751	1204.105	770(a)	1151.052
728	1154.003	752(a)	1204.106	770(b)	1151.053
729	1154.051	752(b)	1204.109	770(c)	1151.053
730	1154.052	752(c)	1204.151	770(d)	1151.053
731	1154.053	752(d)	1204.152	770A	1151.054
732	1154.002	753	1204.107	771	1151.152
733	1154.054	754	1204.053	776(a-2)	1156.003
734	1154.101	755	1204.002	776(a-3)	1156.003
735	1154.102	756	1204.103	772	1151.105
736	1154.103	757	1204.104	773	1151.104
737	1154.104	758	1204.202	774(a)	1151.102
738	1154.055	759(a)	1203.102	774(b)	1151.103
739	1154.151	759(b)	1203.103	775	1151.153

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Probate Code	Estates Code	Probate Code	Estates Code	Probate Code	Estates Code
776(a)	1156.001	799(b)	1157.055	831(a)	1158.651
776(a-1)	1156.001	799(c)	1157.056	831(b)	1158.652
776(a-2)	1156.002	799(d)	1157.057	831(c)	1158.653
776(b)	1156.004	799(e)	1157.058	831(d)	1158.654
776A	1156.052	800	1157.063, 1157.065	832	1158.551
777	1156.051	801	1157.064	833	1158.552-1158.556
778	1151.003	802	1157.107	835	1158.557
779	1151.155	803	1157.201	836	1158.558
780	1151.154	804	1157.101	837	1158.559
781(a)	1151.201	805(a)	1157.103	839	1159.001
781(a-1)	1151.201	805(b)	1157.103	840	1159.001
781(a-2)	1151.201	805(c)	1157.105	841	1159.002
781(b)	1151.202	806	1157.106	842	1159.005
781(c)	1151.202, 1151.203	807	1157.202	843	1159.003
782(a)	1151.251	808	1157.104	844	1159.004
782(b)	1151.252	809	1157.108	845	1159.051
783(a)	1153.001	811	1158.001	846	1159.052
783(b)	1153.002	812	1158.051	847(a)	1160.001
783(c)	1153.001	813	1158.101, 1158.102	847(b)	1160.051
784(a)	1153.003	814(a)	1158.151	847(c)	1160.051
784(b)	1153.003	814(b)	1158.151, 1158.152	847(d)	1160.052
784(c)	1153.003	814(c)	1158.153-1158.155	847(e)	1160.053
784(d)	1153.003	815	1158.103	847(f)	1160.054
784(e)	1153.004	816	1158.104	847(g)	1160.055
785	1153.005	817	1158.201-1158.203	847(h)	1160.056
786(a)	1157.001, 1157.060	818	1158.105	847(i)	1160.056
786(b)	1157.061	819	1158.257	847(j)	1160.057, 1160.058
787	1157.008	820	1158.251	847(k)	1160.059
788	1157.004, 1157.059	821	1158.252	847(m)	1160.060
789	1157.007	823	1158.253	848(a)	1160.101
790	1157.006, 1157.062	824	1158.254	848(b)	1160.102
791	1157.005	824A	1158.255	849(a)	1160.151
792	1157.102	825	1158.256	849(b)	1160.151
793(a)	1157.151	826	1158.601, 1158.602	849(c)	1160.152
793(b)	1157.151	827(a)	1158.301, 1158.302	849(d)	1160.153
793(c)	1157.152	827(b)	1158.351-1158.353	849(e)	1160.154
793(d)	1157.153	828(a)	1158.401	849(f)	1160.155
794	1157.003	828(b)	1158.402	850	1160.201
795	1157.002	828(c)	1158.403	851	1160.251-1160.254
796	1157.051	828(d)	1158.404	853(a)	1158.701
797	1157.052	828(e)	1158.405	853(b)	1158.702,
798	1157.053	829	1158.451	853(c)	1158.703
799(a)	1157.054	830	1158.501, 1158.502	853(d)	1158.704

Probate Code	Estates Code	Probate Code	Estates Code	Probate Code	Estates Code
853(e)	1158.705	865(a)	1162.001	872	1301.156
853(f)	1158.706	865(b)	1162.002	873	1301.204
854(a)	1161.001	865(c)	1162.008	874	1251.002
854(b)	1161.007	865(d)	1162.002	875(a)	1251.001
854(c)	1161.007	865(f)	1162.004	875(b)	1251.001
855(a)	1161.002	865A(a)	1162.005	875(c)	1251.003
855(a-1)	1161.002	865A(b)	1162.005	875(d)	1251.004
855(b)	1161.003	865A(c)	1162.006	875(e)	1251.005
855(c)	1161.004	865A(d)	1162.006, 1162.007	875(f)(1)	1251.006, 1251.008
855(d)	1161.004	865A(e)	1162.007	875(f)(2)	1251.006
855(e)	1161.004	865A(f)	1162.008	875(f)(3)	1251.006
855(f)	1161.004	865A(g)	1162.007	875(f)(4)	1251.006
855(g)	1161.005	866(a)	1162.051	875(f)(5)	1251.007
855A	1161.006	866(b)	1162.052	875(f)(6)	1251.009
855B(a)	1161.051	866(c)	1162.053	875(g)	1251.010, 1251.012
855B(a-1)	1161.051	867(a)	1301.057	875(h)	1251.151
855B(b)	1161.052	867(a-1)	1301.051	875(i)	1251.013
855B(c)	1161.053	867(b)	1301.053	875(j)	1251.011
855B(d)	1161.054	867(b-1)	1301.054	875(k)	1251.051
855B(e)	1161.052	867(b-2)	1301.052	875(l)	1251.052
857(a)	1161.101	867(b-3)	1301.054	876	1251.101
857(b)	1161.102	867(b-4)	1301.055	877	1251.102
857(c)	1161.104	867(c)	1301.057	878	1251.152
857(d)	1161.103	867(d)	1301.057	879	1251.152, 1251.153
857(e)	1161.103	867(e)	1301.057	881(a)	1252.051
857(f)	1161.106	867(f)	1301.053, 1301.054, 1301.056	881(b)	1252.051
857(g)	1161.103	867A	1301.052	881(c)	1252.052
857(h)	1161.105	868(a)	1301.058, 1301.101	881(d)	1252.053
857(i)	1161.104	868(b)	1301.102	881(e)	1252.054
857(j)	1161.106	868(c)	1301.103	881A	1252.055
858(a)	1161.202, 1161.203	868(d)	1301.101	882	1252.001-1252.003
858(b)	1161.202	868(e)	1301.102	883(a)	1353.002, 1353.003
858(c)	1161.205	868(f)	1301.153	883(b)	1353.002, 1353.003
858(d)	1161.203	868A	1301.152	883(c)	1353.004
858(e)	1161.203	868B	1301.058	883(d)	1353.005
858(f)	1161.203	868C	1301.202	883(e)	1353.001
858(g)	1161.204	869	1301.201	883(f)	1353.001
860(a)	1161.151	869A	1301.155	883(g)	1353.004, 1353.005
860(b)	1161.152	869B	1301.002	883(h)	1353.006
860(c)	1161.153	869C	1301.151	883A	1353.103
860(d)	1161.151	870	1301.203	883B(a)	1353.051
861	1161.203	871	1301.154	883B(b)	1353.052
862	1161.204			883B(c)	1353.051

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Probate Code	Estates Code	Probate Code	Estates Code	Probate Code	Estates Code
883B(d)	1353.052	889A(d)	1352.054	892(b)	1253.052
883B(e)	1353.052	889A(e)	1352.055	892(c)	1253.055
883C(a)	1353.101, 1353.102	889A(f)	1352.054	892(d)	1253.053
883C(b)	1353.102	889A(g)	1352.057, 1352.058	892(e)	1253.053
883C(c)	1353.102	889A(h)	1352.055	892(f)	1253.053
883D	1353.151	889A(i)	1352.055	892(g)	1253.053
884	1353.054	889A(j)	1352.052	892(h)	1253.056
884A	1353.053	889A(k)	1352.059	893	1253.054 repealed
885(a)	1354.001-1354.003	890(a)	1351.051	894(a)	1253.101
885(b)	1354.004	890(b)	1351.052, 1351.053, 1351.057	894(b)	1253.102
885(c)	1354.005	890(c)	1351.053	894(c)	1253.103
885(d)	1354.006	890(d)	1351.054	894(d)	1253.102
885(e)	1354.007	890(e)	1351.054	895(a)	1253.151
885(f)	1354.008	890(f)	1351.055	895(b)	1253.152
885(g)	1354.009	890(g)	1351.056	901	1356.001
887(a)	1355.001, 1355.051	890A(a)	1352.001	902	1356.002
887(b)	1355.052	890A(b)	1352.101	903(a)	1356.051, 1356.052
887(c)	1355.102, 1355.103	890A(c)	1352.101, 1352.102, 1352.106	903(b)	1356.051
887(d)	1355.104	890A(d)	1352.103	903(c)	1356.051
887(e)	1355.002	890A(e)	1352.104	903(d)	1356.055
887(f)	1355.105	890A(f)	1352.105	903(e)	1356.053
887(g)	1355.151-1355.154	890A(g)	1352.104	904(a)	1356.001
889(a)	1351.001, 1351.006	890A(h)	1352.104	904(b)	1356.054
889(b)	1351.002	890A(i)	1352.107	905	1356.056
889(c)	1351.003	890A(j)	1352.105	910	1302.001
889(d)	1351.003	890A(k)	1352.108	911	1302.002
889(e)	1351.004	891(a)	1253.001	912	1302.003
889(f)	1351.005	891(b)	1253.002	913	1302.004
889A(a)	1352.001	891(c)	1253.003	914	1302.005
889A(b)	1352.051, 1352.052, 1352.056	891(d)	1253.003	915	1302.007
889A(c)	1352.053	892(a)	1253.051	916	1302.006

Conversion Chart – Estates Code to Probate Code

Courtesy of Prof. Gerry Beyer as of December 3, 2013
 (Check professorbeyer.com/Estates_Code/Texas_Estates_Code.html for updates.)

<u>Estates Code</u>	<u>Probate Code</u>	<u>Estates Code</u>	<u>Probate Code</u>	<u>Estates Code</u>	<u>Probate Code</u>
21.001	new	22.031	3(aa)	51.055	34
21.002	new	22.032	3(ee)	51.056	33(e)
21.003	new	22.033	3(mm)	51.101	33(f)(1)
21.004	2(c)	22.034	3(ff)	51.102	33(h)
21.005	new	31.001	3(bb)	51.103	33(i)
21.006	2(a)	31.002	4B	51.104	33(g)
22.001	3	32.001	4A	51.151	33(d)
22.002	3(a)	32.002	4C	51.201	35
22.003	3(kk)	32.003	4D	51.202	33(j)
22.004	3(b)	32.004	4E	51.203	22
22.005	3(c)	32.005	4F	52.001	13
22.006	3(d)	32.006	4G	52.002	14
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452.003	131A(a), (c)	501.005	95(d)(1), (2)	751.001	481
452.004	131A(d)	501.006	105	751.002	482
452.005	131A(e)	501.007	95(e)	751.003	506
452.006	131A(f), (g), (h)	501.008	95(f)	751.004	483
452.007	131A(i)	502.001	103	751.005	489B(i)
452.008	131A(j)	502.002	104	751.006	489B(j)
452.051	132(a)	503.001	96, 97	751.051	484
452.052	132(b)	503.002	95(c)	751.052	485
452.101	133	503.003	96	751.053	485A
452.102	133	503.051	98	751.054	486
452.151	134	503.052	99	751.055	487(a), (b), (c), (d)
452.152	135	504.001	100(a)	751.056	487(e)
453.001	155	504.002	100(b)	751.057	487A
453.002	155	504.003	95(d)(2), 100(c)	751.058	488
453.003	160(a), (c)	504.004	100(b)	751.101	489B(a)
453.004	160(b), (c)	504.051	101	751.102	489B(b)
453.005	176	504.052	101	751.103	489B(c), (f)
453.006	156, 168	504.053	102	751.104	489B(d), (e)
453.007	168	505.001	105A(a)	751.105	489B(g)
453.008	168	505.002	105A(c), (d)	751.106	489B(h)
453.009	177	505.003	105A(a)	751.151	489
454.001	72(a)	505.004	105A(b)	752.001	490(a)
454.002	72(a)	505.005	105A(b)	752.002	490(a)
454.003	72(b)	505.006	105A(e)	752.003	490(a)
454.004	72(a)	505.051	106	752.004	490(b)
454.051	72(a)	505.052	95(c), 107	752.051	490(a)
454.052	72(a)	505.101	107A(a), (b)	752.101	491
455.001	new	505.102	107A(c)	752.102	492
455.002	new	505.103	107A(d)	752.103	493
455.003	new	551.001	427	752.104	494
455.004	new	551.002	427	752.105	495
455.005	new	551.003	427	752.106	496
455.006	new	551.004	427	752.107	497
455.007	new	551.005	428	752.108	498
455.008	new	551.006	430	752.109	499
455.009	new	551.051	433(a)	752.110	500
455.010	new	551.052	433(a), (b), (c)	752.111	501
455.011	new	551.053	433(c)	752.112	502
455.012	new	551.054	433(d)	752.113	503
501.001	95(a)	551.055	433(b)	752.114	504
501.002	95(b)(1), (2), (c)	551.101	429	752.115	505
501.003	95(b)(1), (2)	551.102	431	1001.001	602
501.004	95(d)(1), (2)	551.103	432	1001.002	603(a)

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1001.003	603(b)
1002.001	601
1002.002	601(1)
1002.003	601(2)
1002.004	601(3)
1002.005	601(4)
1002.006	601(5)
1002.007	601(6)
1002.008	601(8), (29)
1002.009	601(7)
1002.010	601(9)
1002.011	601(10)
1002.012	601(11)
1002.013	601(12)
1002.014	601(12-a)
1002.015	601(25)
1002.016	601(13)
1002.017	601(14)
1002.018	601(15)
1002.019	601(16)
1002.020	601(18)
1002.021	601(19)
1002.022	601(20)
1002.023	601(21)
1002.024	601(22)
1002.025	601(24)
1002.026	601(27)
1002.027	601(28)
1002.028	601(23)
1002.029	601(30)
1002.030	601(31)
1021.001	606A
1022.001	605
1022.002	605, 607A
1022.003	607B
1022.004	607C
1022.005	607D
1022.006	607E
1022.007	608
1022.008	609
1023.001	610
1023.002	611
1023.003	612

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1023.004	613
1023.005	614
1023.006	615
1023.007	616
1023.008	617
1023.009	618
1023.010	619
1051.001	632(a), (b)
1051.002	632(c)
1051.003	632(c)
1051.051	632(f)(1)
1051.052	632(f)(4)
1051.053	632(f)(2)
1051.054	632(f)(3)
1051.055	634
1051.056	632(e)
1051.101	633(a), (g)
1051.102	633(b)
1051.103	633(c)
1051.104	633(d), (d-1), (f)
1051.105	633(e)
1051.106	633(f)
1051.151	632(f)(1)
1051.152	632(h)
1051.153	632(i)
1051.154	632(g)
1051.201	632(d)
1051.251	635
1051.252	632(j)
1051.253	649
1052.001	623(a)
1052.002	624
1052.003	626
1052.004	627
1052.051	621, 623(b)
1052.052	625
1052.053	627A
1053.001	651
1053.051	622(a)
1053.052	622(b), (c)
1053.101	629
1053.102	630
1053.103	650

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1053.104	new
1053.105	new
1054.001	646(a)
1054.002	646(e)
1054.003	646(a)
1054.004	647
1054.005	646(d)
1054.006	new
1054.007	new
1054.051	645(a)
1054.052	645(e)
1054.053	645(f)
1054.054	645(c)
1054.055	645(b), (d)
1054.056	645A
1054.101	648(f)
1054.102	648(a)
1054.103	648(b)
1054.104	648(c), (d)
1054.105	648(a), (e)
1054.151	648A(a)
1054.152	648A(b)
1054.153	648A(c)
1054.154	648A(d)
1054.201	646(b), 647A(a), (b)
1054.202	647A(c), (e)
1054.203	646(c), 647A(d)
1055.001	642
1055.002	641
1055.051	644
1055.052	643
1055.053	new
1055.101	649
1055.102	628
1055.151	new
1056.001	653
1056.051	654
1056.052	654
1056.101	657
1056.102	657
1057.001	760A
1057.002	760B
1101.001	682

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1101.002	new	1104.201	679(j), 679A(a)	1104.409	698(c)
1101.051	685(a), (c)	1104.202	679(a), (b), (f)	1104.410	698(c-1)
1101.052	685(b)	1104.203	679(a), (c), (d)	1104.411	698(d)
1101.053	686	1104.204	679(i)	1104.412	698(f)
1101.101	684(a), (b), (c)	1104.205	679(k), (l)	1105.001	new
1101.102	684(c)	1104.206	679A(c)	1105.002	699
1101.103	687(a), (b)	1104.207	679(e)	1105.003	701, 703(a)
1101.104	687(c)	1104.208	679A(b), (e), (f)	1105.051	700
1101.105	602	1104.209	679A(d)	1105.052	701
1101.106	684(e)	1104.210	679(g)	1105.101	702
1101.151	693(a)	1104.211	679(h)	1105.102	702A
1101.152	693(b)	1104.212	679(f)	1105.103	722, 723, 724, 725
1101.153	693(c), (d), (e)	1104.251	696A, 697B(a)	1105.104	706
1101.154	684(d)	1104.252	697B(e)	1105.105	707
1101.155	692	1104.253	696B	1105.106	708
1102.001	683(a)	1104.254	697B(d)	1105.107	708A
1102.002	683(b)	1104.255	697B(b)	1105.108	705
1102.003	683A	1104.256	697B(c)	1105.109	704
1102.004	683(a)	1104.257	697A(a)	1105.110	705
1102.005	683(c)	1104.258	697A(b)	1105.111	721
1103.001	682A(a)	1104.301	696	1105.112	726
1103.002	682A(a-1), (a-2)	1104.302	697(a)	1105.151	703(a)
1103.003	682A(a)	1104.303	697(a), (b)	1105.152	703(b), (s)
1103.004	682A(b)	1104.304	697(c)	1105.153	703(c)
1104.001	690	1104.305	697(d)	1105.154	703(d), (q)
1104.002	689	1104.306	697(e)	1105.155	703(e)
1104.051	676(b)	1104.351	681	1105.156	703(f)
1104.052	676(c)	1104.352	681	1105.157	703(g), (h), (i), (j), (k)
1104.053	676(d), (e), (f)	1104.353	678, 681	1105.158	703(l)
1104.054	676(a), 680	1104.354	681	1105.159	703(m)
1104.101	677(a)	1104.355	681	1105.160	703(n), (p)
1104.102	677(a)	1104.356	681	1105.161	703(o)
1104.103	677(b), (c), (d)	1104.357	681	1105.162	703(p)
1104.151	677A(h), 677B(a)	1104.358	new	1105.163	703(r)
1104.152	677A(a), (b), (c)	1104.401	new	1105.201	709(a)
1104.153	677A(g)	1104.402	698(a), (e)	1105.202	709(b), 710
1104.154	677A(i), (j)	1104.403	698(a-5)	1105.203	709(c)
1104.155	677B(c)	1104.404	698(a-6)	1105.204	719, 720
1104.156	677A(d)	1104.405	698(b)	1105.251	711, 712
1104.157	677B(b), (e), (f)	1104.406	698(a-1), (a-2), (a-3)	1105.252	713, 714(a)
1104.158	677B(d)	1104.407	698(a-4)	1105.253	714(b)
1104.159	677A(f)	1104.408	698(b-1)	1105.254	715
1104.160	677A(e)				

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1105.256	718
1105.257	717
1106.001	659(a)
1106.002	659(b)
1106.003	659(c), (d)
1106.004	661
1106.005	660
1106.006	663
1151.001	675
1151.002	662
1151.003	778
1151.004	769
1151.051	767
1151.052	770(a)
1151.053	770(b), (c), (d)
1151.054	770A
1151.101	768
1151.102	774(a)
1151.103	774(b)
1151.104	773
1151.105	772
1151.151	768
1151.152	771
1151.153	775
1151.154	780
1151.155	779
1151.201	781(a), (a-1), (a-2)
1151.202	781(b), (c)
1151.203	781(c)
1151.251	782(a)
1151.252	782(b)
1151.301	636
1152.001	655
1152.002	656
1153.001	783(a), (c)
1153.002	783(b)
1153.003	784(a), (b), (c), (d)
1153.004	784(e)
1153.005	785
1154.001	727
1154.002	732
1154.003	728

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1154.051	729
1154.052	730
1154.053	731
1154.054	733
1154.055	738
1154.101	734
1154.102	735
1154.103	736
1154.104	737
1154.151	739
1155.001	665(h)
1155.002	665(a), (g)
1155.003	665(b)
1155.004	665(a-1)
1155.005	665(f)
1155.006	665(c), (d)
1155.007	665(d), (d-1)
1155.008	665(e)
1155.051	665A
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1155.052	665D
1155.053	665(C)(a), (b), (c)
1155.054	665A; 665B
1155.101	666
1155.102	665C(d)
1155.103	667
1155.151	669
1155.152	668
1155.201	670(a)
1155.202	670(b), (c)
1156.001	776(a), (a-1)
1156.002	776(a-2)
1156.003	776(a-2), (a-3)
1156.004	776(b)
1156.051	777
1156.052	776A
1157.001	786(a)
1157.002	795
1157.003	794
1157.004	788
1157.005	791
1157.006	790
1157.007	789

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1157.008	787
1157.051	796
1157.052	797
1157.053	798
1157.054	799(a)
1157.055	799(b)
1157.056	799(c)
1157.057	799(d)
1157.058	799(e)
1157.059	788
1157.060	786(a)
1157.061	786(b)
1157.062	790
1157.063	800
1157.064	801
1157.065	800
1157.101	804
1157.102	792
1157.103	805(a), (b)
1157.104	808
1157.105	805(c)
1157.106	806
1157.107	802
1157.108	809
1157.151	793(a), (b)
1157.152	793(c)
1157.153	793(d)
1157.201	803
1157.202	807
1158.001	811
1158.051	812
1158.101	813
1158.102	813
1158.103	815
1158.104	816
1158.105	818
1158.151	814(a), (b)
1158.152	814(b)
1158.153	814(c)
1158.154	814(c)
1158.155	814(c)
1158.201	817
1158.202	817

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1158.203	817
1158.251	820
1158.252	821
1158.253	823
1158.254	824
1158.255	824A
1158.256	825
1158.257	819
1158.301	827(a)
1158.302	827(a)
1158.351	827(b)
1158.352	827(b)
1158.353	827(b)
1158.401	828(a)
1158.402	828(b)
1158.403	828(c)
1158.404	828(d)
1158.405	828(e)
1158.451	829
1158.501	830
1158.502	830
1158.551	832
1158.552	834
1158.553	833
1158.554	833
1158.555	833
1158.556	834
1158.557	835
1158.558	836
1158.559	837
1158.601	826
1158.602	826
1158.651	831(a)
1158.652	831(b)
1158.653	831(c)
1158.654	831(d)
1158.701	853(a)
1158.702	853(b)
1158.703	853(c)
1158.704	853(d)
1158.705	853(e)
1158.706	853(f)
1159.001	839, 840

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1159.002	841
1159.003	843
1159.004	844
1159.005	842
1159.051	845
1159.052	846
1160.001	847(a); new
1160.051	847(b), (c)
1160.052	847(d)
1160.053	847(e)
1160.054	847(f)
1160.055	847(g)
1160.056	847(h), (i)
1160.057	847(j)
1160.058	847(j)
1160.059	847(k)
1160.060	847(m)
1160.101	848(a)
1160.102	848(b)
1160.151	849(a), (b)
1160.152	849(c)
1160.153	849(d)
1160.154	849(e)
1160.155	849(f)
1160.201	850
1160.251	851
1160.252	851
1160.253	851
1160.254	851
1161.001	854(a)
1161.002	855(a), (a-1)
1161.003	855(b)
1161.004	855(c), (d), (e), (f)
1161.005	855(g)
1161.006	855A
1161.007	854(b), (c)
1161.008	863
1161.051	855B(a), (a-1)
1161.052	855B(b), (e)
1161.053	855B(c)
1161.054	855B(d)
1161.101	857(a)
1161.102	857(b)

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1161.103	857(d), (e), (g)
1161.104	857(c), (i)
1161.105	857(h)
1161.106	857(f), (j)
1161.151	860(a), (d)
1161.152	860(b)
1161.153	860(c)
1161.201	858(h)
1161.202	858(a), (b)
1161.203	858(a), (d), (e), (f), 861
1161.204	858(g), 862
1161.205	858(c)
1162.001	865(a)
1162.002	865(b), (d)
1162.003	865(e)
1162.004	865(f)
1162.005	865A(a), (b)
1162.006	865A(c), (d)
1162.007	865A(d), (e), (g)
1162.008	865(c), 865A(f)
1162.051	866(a)
1162.052	866(b)
1162.053	866(c)
1163.001	741(a)
1163.002	741(b)
1163.003	741(c)
1163.004	741(c), (d)
1163.005	741(e), (f)
1163.006	741(g)
1163.051	742(a), (b), (cd), (d), (e)
1163.052	742(f)
1163.053	742(f)
1163.054	742(f)
1163.101	743(a), (b), (g)
1163.1011	new
1163.102	743(g), (h), (i)
1163.103	743(c)
1163.104	743(d), (e), (f)
1163.105	743(j)
1163.151	744
1164.001	673

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1164.002	674
1201.001	671(a)
1201.002	671(b), (c), (d)
1201.003	671(d)
1201.004	671(e)
1201.051	672(e)
1201.052	672(a)
1201.053	672(b), (c)
1201.054	672(d)
1202.001	694
1202.002	676(g), 677(e)
1202.051	694A(a)
1202.052	694B
1202.053	694A(d)
1202.054	694A(b), (c)
1202.055	694A(e)
1202.101	694C(a), (b)
1202.102	694C(c), 694L
1202.103	694K
1202.151	694D
1202.152	694F
1202.153	694E
1202.154	694J
1202.155	694G
1202.156	694H
1202.157	694I
1202.201	new
1203.001	760(a)
1203.002	760(b)
1203.003	760(g)
1203.004	760(c)
1203.005	760(d)
1203.006	760(e), (f)
1203.051	761(a)
1203.052	761(c), (c-1)
1203.053	761(d)
1203.0531	new
1203.054	761(f)
1203.055	761(g)
1203.056	761(b), 762
1203.057	761(e)
1203.101	759(f)
1203.102	695(a), 759(a),

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	760(b), 761(f)
1203.103	759(b)
1203.104	759(c)
1203.105	759(d)
1203.106	759(e)
1203.107	759(h)
1203.108	695(c), (d), (e)
1203.151	695A(a), (a-1)
1203.152	695A(b)
1203.153	695A(c)
1203.201	759(g)
1203.202	695(b), 763, 764
1203.203	765
1204.001	745
1204.002	755
1204.051	746
1204.052	748
1204.053	754
1204.101	749
1204.102	749
1204.103	756
1204.104	757
1204.105	751
1204.106	752(a)
1204.107	753
1204.108	747
1204.109	752(b)
1204.151	752(c)
1204.152	752(d)
1204.201	750
1204.202	758
1251.001	875(a), (b)
1251.002	874
1251.003	875(c)
1251.004	875(d)
1251.005	875(e)
1251.006	875(f)(1), (2), (3), (4)
1251.007	875(f)(5)
1251.008	875(f)(1)
1251.009	875(f)(6)
1251.010	875(g)
1251.011	875(j)

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1251.012	875(g)
1251.013	875(i)
1251.051	875(k)
1251.052	875(l)
1251.101	876
1251.102	877
1251.151	875(h)
1251.152	878, 879
1251.153	879
1252.001	882
1252.002	882
1252.003	882
1252.051	881(a), (b)
1252.052	881(c)
1252.053	881(d)
1252.054	881(e)
1252.055	881A
1253.001	891(a)
1253.002	891(b)
1253.003	891(c), (d)
1253.051	892(a)
1253.052	892(b)
1253.053	892(d), (e), (f), (g)
1253.054	893
repealed	
1253.055	892(c)
1253.056	892(h)
1253.101	894(a)
1253.102	894(b), (d)
1253.103	894(c)
1253.151	895(a)
1253.152	895(b)
1301.001	new
1301.002	869B
1301.051	867(a-1)
1301.052	867(b-2), 867A
1301.053	867(b), (f)
1301.054	867(b-1), (b-3), (f)
1301.055	867 (b-4)
1301.056	867(f)
1301.057	867(a), (b-5), (c), (d), (e)
1301.058	868(a), 868B

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<u>Estates Code</u>	<u>Probate Code</u>
1301.101	868(a), (d)
1301.102	868(b), (e)
1301.103	868(c)
1301.151	869C
1301.152	868A
1301.153	868(f)
1301.1535	new
1301.154	871
1301.155	869A
1301.156	872
1301.201	869
1301.202	868C
1301.203	870
1301.204	873
1302.001	910
1302.002	911
1302.003	912
1302.004	913
1302.005	914
1302.006	916
1302.007	915
1351.001	889(a)
1351.002	889(b)
1351.003	889(c), (d)
1351.004	889(e)
1351.005	889(f)
1351.006	889(a)
1351.051	890(a)
1351.052	890(b)
1351.053	890(b), (c); new
1351.054	890(d), (e)
1351.055	890(f)
1351.056	890(g)

<u>Estates Code</u>	<u>Probate Code</u>
1351.057	890(b)
1352.001	889A(a), 890A(a)
1352.051	889A(b)
1352.052	889A(b), (j)
1352.053	889A(c)
1352.054	889A(d), (f)
1352.055	889A(e), (h), (i)
1352.056	889A(b)
1352.057	889A(g)
1352.058	889A(g)
1352.059	889A(k)
1352.101	890A(b), (c)
1352.102	890A(c)
1352.103	890A(d)
1352.104	890A(e), (g), (h)
1352.105	890A(f), (j)
1352.106	890A(c)
1352.107	890A(i)
1352.108	890A(k)
1353.001	883(e), (f)
1353.002	883(a), (b)
1353.003	883(a), (b)
1353.004	883(c), (g)
1353.005	883(d), (g)
1353.006	883(h)
1353.051	883B(a), (c)
1353.052	883B(b), (d), (e)
1353.053	884A
1353.054	884
1353.101	883C(a)
1353.102	883C(a), (b), (c)
1353.103	883A
1353.151	883D

<u>Estates Code</u>	<u>Probate Code</u>
1354.001	885(a)
1354.002	885(a)
1354.003	885(a)
1354.004	885(b)
1354.005	885(c)
1354.006	885(d)
1354.007	885(e)
1354.008	885(f)
1354.009	885(g)
1355.001	887(a)
1355.002	887(e)
1355.051	887(a)
1355.052	887(b)
1355.101	new
1355.102	887(c)
1355.103	887(c)
1355.104	887(d)
1355.105	887(f)
1355.151	887(g)
1355.152	887(g)
1355.153	887(g)
1355.154	887(g)
1356.001	901, 904(a)
1356.002	902
1356.051	903(a), (b), (c)
1356.052	903(a)
1356.053	903(e)
1356.054	904(b)
1356.055	903(d)
1356.056	905