#### TEXAS ESTATES CODE

Section Analysis, see beginning of each Chapter.

# TITLE 1. GENERAL PROVISIONS

21. 22.	Purpose and Construction	Page
TI	TLE 2. ESTATES OF DECEDENTS; DURABLE POWERS OF ATTORNEY SUBTITLE A. SCOPE, JURISDICTION, VENUE, AND COURTS	
31. 32. 33. 34.	General Provisions  Jurisdiction  Venue  Matters Relating to Certain Other Types of Proceedings	8 8 11 14
	SUBTITLE B. PROCEDURAL MATTERS	
51. 52. 53. 54. 55. 56.	Notices and Process in Probate Proceedings in General Filing and Recordkeeping Other Court Duties and Procedures Pleadings and Evidence in General Complaints and Contests Change and Resignation of Resident Agent of Personal Representative for Service of Process  SUBTITLE C. PASSAGE OF TITLE AND DISTRIBUTION OF DECEDENTS' PROPERTY IN GENERAL	16 21 23 25 25 27
101.	Estate Assets in General	28
102.	Probate Assets: Decedent's Homestead	29
111.	Nonprobate Assets in General	30
112.	Community Property with Right of Survivorship	32
113.	Multiple-Party Accounts	37
114.	Transfer on Death Deed	47
115.	Beneficiary Designation for Motor Vehicles	52
121.	Survival Requirements	53
122.	Disclaimers and Assignments	55
123.	Dissolution of Marriage	57
124.	Valuation and Taxation of Estate Property	61

## SUBTITLE D. PROCEEDINGS BEFORE ADMINISTRATION OF ESTATE

Chapter	Eveningtion of Decuments and Safe Deposit Person	Page
151. 152.	Examination of Documents and Safe Deposit Boxes	66 67
152. 153.	Emergency Intervention	
195.	Access to Intestate's Account with Financial Institution	71
	SUBTITLE E. INTESTATE SUCCESSION	
201.	Descent and Distribution	71
202.	Determination of Heirship	76
203.	Nonjudicial Evidence of Heirship	82
204.	Genetic Testing in Proceedings to Declare Heirship	84
205.	Small Estate Affidavit	86
	SUBTITLE F. WILLS	
251.	Fundamental Requirements and Provisions Relating to Wills	88
252.	Safekeeping and Custody of Wills	91
253.	Change and Revocation of Wills	94
254.	Certain Provisions in, and Contracts Relating to, Wills	94
255.	Construction and Interpretation of Wills	96
256.	Probate of Wills Generally	102
257.	Probate of Will as Muniment of Title	108
258.	Citations and Notices Relating to Probate of Will	111
	SUBTITLE G. INITIAL APPOINTMENT OF PERSONAL REPRESENTATIVE AND OPENING OF ADMINISTRATION	
301.	Application for Letters Testamentary or of Administration	112
303.	Citations and Notices in General on Opening of Administration	115
304.	Persons Who May Serve as Personal Representatives	116
305.	Qualification of Personal Representatives	117
306.	Granting and Issuance of Letters	127
307.	Validitary Constaint Astronomy of Property and Administrations	
308.	Validity of Certain Acts of Executors and Administrators	128
	Notice to Beneficiaries and Claimants	128 129
309.	Notice to Beneficiaries and Claimants	$\frac{129}{132}$
309. 310.	Notice to Beneficiaries and Claimants	129
	Notice to Beneficiaries and Claimants	$\frac{129}{132}$
	Notice to Beneficiaries and Claimants	$\frac{129}{132}$
310.	Notice to Beneficiaries and Claimants  Inventory, Appraisement, and List of Claims  Allocation of Estate Income and Expenses  SUBTITLE H. CONTINUATION OF ADMINISTRATION	129 132 137
310. 351. 352. 353.	Notice to Beneficiaries and Claimants Inventory, Appraisement, and List of Claims Allocation of Estate Income and Expenses  SUBTITLE H. CONTINUATION OF ADMINISTRATION  Powers and Duties of Personal Representatives in General Compensation and Expenses of Personal Representatives and Others Exempt Property and Family Allowance	129 132 137
310. 351. 352.	Notice to Beneficiaries and Claimants Inventory, Appraisement, and List of Claims Allocation of Estate Income and Expenses  SUBTITLE H. CONTINUATION OF ADMINISTRATION  Powers and Duties of Personal Representatives in General Compensation and Expenses of Personal Representatives and Others Exempt Property and Family Allowance Summary Proceedings for, or Withdrawal from Administration of, Certain Es-	129 132 137 138 145 147
310. 351. 352. 353. 354.	Notice to Beneficiaries and Claimants Inventory, Appraisement, and List of Claims Allocation of Estate Income and Expenses  SUBTITLE H. CONTINUATION OF ADMINISTRATION  Powers and Duties of Personal Representatives in General Compensation and Expenses of Personal Representatives and Others Exempt Property and Family Allowance Summary Proceedings for, or Withdrawal from Administration of, Certain Estates	129 132 137 138 145 147
310. 351. 352. 353. 354. 355.	Notice to Beneficiaries and Claimants Inventory, Appraisement, and List of Claims Allocation of Estate Income and Expenses  SUBTITLE H. CONTINUATION OF ADMINISTRATION  Powers and Duties of Personal Representatives in General Compensation and Expenses of Personal Representatives and Others Exempt Property and Family Allowance Summary Proceedings for, or Withdrawal from Administration of, Certain Estates Presentment and Payment of Claims	129 132 137 138 145 147 152 153
310. 351. 352. 353. 354.	Notice to Beneficiaries and Claimants Inventory, Appraisement, and List of Claims Allocation of Estate Income and Expenses  SUBTITLE H. CONTINUATION OF ADMINISTRATION  Powers and Duties of Personal Representatives in General Compensation and Expenses of Personal Representatives and Others Exempt Property and Family Allowance Summary Proceedings for, or Withdrawal from Administration of, Certain Estates	129 132 137 138 145 147

358. 359. 360.	Matters Relating to Mineral Properties	Page 175 180 184
361.	Death, Resignation, or Removal of Personal Representatives; Appointment of Successors	189
362.	Closing Administration of Estate	194
	SUBTITLE I. INDEPENDENT ADMINISTRATION	
401.	Creation	197
402.	Administration	200
403.	Exemptions and Allowances; Claims	201
404.	Accountings, Successors, and Other Remedies	204
405.	Closing and Distributions	209
	SUBTITLE J. ADDITIONAL MATTERS RELATING TO THE ADMINISTRATION OF CERTAIN ESTATES	
451.	Order of No Administration	212
452.	Temporary Administration of Estates	213
453.	Administration of Community Property	216
454.	Administration of Estate of Person Presumed Dead	218
455.	Public Probate Administrator	219
456.	Disbursement and Closing of Lawyer Trust or Escrow Accounts	222
	SUBTITLE K. FOREIGN WILLS, OTHER TESTAMENTARY INSTRUMENTS, AND FIDUCIARIES	
501.	Ancillary Probate of Foreign Will	223
502.	Original Probate of Foreign Will	225
503.	Recording of Foreign Testamentary Instrument	225
504.	Contest of or Other Challenge to Foreign Testamentary	
	Instrument	227
505.	Foreign Personal Representatives, Trustees, and Fiduciaries	228
	SUBTITLE L. PAYMENT OF ESTATES INTO TREASURY	
551.	Payment of Certain Estates to State	231
	SUBTITLE P. DURABLE POWERS OF ATTORNEY	
751. 752. 753.	General Provisions Regarding Durable Powers of Attorney  Statutory Durable Power of Attorney  Removal of Attorney in Fact or Agent	233 247 259
	TITLE 3. GUARDIANSHIP AND RELATED PROCEDURES SUBTITLE A. GENERAL PROVISIONS	
1001.	Purpose and Construction	260
	-	

Chapter 1002.	Definitions	<b>Page</b> 260
	SUBTITLE B. SCOPE, JURISDICTION, AND VENUE	
1021.	General Provisions	264
1022.	Jurisdiction	265
1023.	Venue	268
	SUBTITLE C. PROCEDURAL MATTERS	
1051.	Notices and Process in Guardianship Proceedings in General	272
1052.	Filing and Recordkeeping	279
1053.	Other Court Duties and Procedures	281
1054.	Court Officers, Court-Appointed Persons, and Attorneys	283
1055.	Trial and Hearing Matters	289
1056.	Execution, Attachment, and Bill of Review	291
1057.	Change and Resignation of Resident Agent of Guardian for Service of Process	293
	SUBTITLE D. CREATION OF GUARDIANSHIP	
1101.	General Procedure to Appoint Guardian	293
1102.	Court–Initiated Procedure to Appoint Guardian	303
1103.	Procedure to Appoint Guardian for Certain Minors Requiring Guardianships as Adults	305
1104.	Selection of and Eligibility to Serve as Guardian	306
1105.	Qualification of Guardians	321
1106.	Letters of Guardianship	330
	SUBTITLE E. ADMINISTRATION OF GUARDIANSHIP	
1151.	Rights, Powers, and Duties under Guardianship	332
1152.	Guardianship Pending Appeal of Appointment	342
1153.	Notice to Claimants	342
1154.	Inventory, Appraisement, and List of Claims	343
1155.	Compensation, Expenses, and Court Costs	347
1156.	Education and Maintenance Allowances Paid from Ward's Estate	352
1157.	Presentment and Payment of Claims	354
1158.	Sale or Partition of Ward's Property	360
1159.	Renting Estate Property	372
1160.	Matters Relating to Mineral Properties	374
1161. 1162.	Investments and Loans of Estates of Wards	380
1162. 1163.	Annual Account and Other Exhibits and Reports	386 388
1164.	Liability of Guardian or Guardianship Program	394
	· · ·	
PORT	ITLE F. EVALUATION, MODIFICATION, OR TERMINATION OF GUARDIANS	эпіР
1201.	Evaluation of Guardianship	395

Chapter 1202.	Modification or Termination of Guardianship	<b>Pag</b>
1203.	Resignation, Removal, or Death of Guardian; Appointment of Successor	40
1204.	Final Settlement, Accounting, and Discharge	41
	SUBTITLE G. SPECIAL TYPES OF GUARDIANSHIPS	
1251.	Temporary Guardianships	41
1252.	Guardianships for Nonresident Wards	42
1253.	Interstate Guardianships	42
	SUBTITLE H. COURT-AUTHORIZED TRUSTS AND ACCOUNTS	
1301.	Management Trusts	42
1302.	Pooled Trust Subaccounts	43
	SUBTITLE I. OTHER SPECIAL PROCEEDINGS AND GUARDIANSHIP	
1351.	Sale of Property of Certain Incapacitated Persons	43
1352.	Mortgage of Minor's Interest in Residence Homestead	43
1353.	Management and Control of Incapacitated Spouse's Property	43
1354.	Receivership for Estates of Certain Incapacitated Persons	44
1355.	Payment of Certain Claims Without Guardianship	44
1356.	Court Approval of Certain Arts and Entertainment, Advertisement, and Sports Contracts	44
1357.	Supported Decision–Making Agreement Act	45
	TITLE 4. DIGITAL ASSETS	
2001.	Texas Revised Uniform Fiduciary Access to Digital Assets Act	45
	HEALTH AND SAFETY CODE	
	TITLE 2. HEALTH	
	Subtitle H. Public Health Provisions	
166. A	Advance Directives	46

# **INDEX**

(Page I-1)