

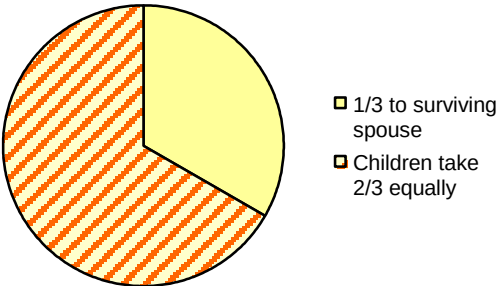
Texas Descent and Distribution¹

The Legal Effect of Not Having a Will (for decedents dying after 9/1/1993)

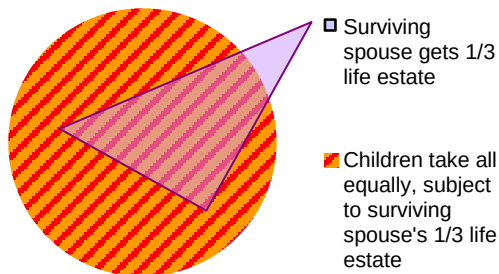
Compliments of Judge Guy Herman, Travis County Probate Court No. 1

1. Married Person with Child[ren] or Other Descendants

A. Decedent's separate personal property (all that is not real property) (EC § 201.002(b))

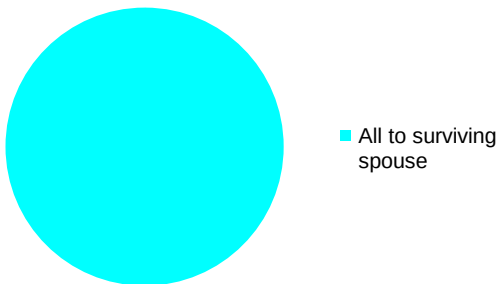


B. Decedent's separate real property (EC § 201.002(b))

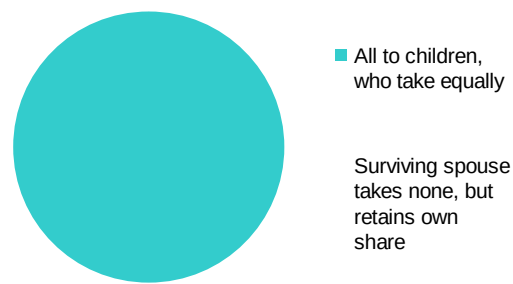


All separate real property will be owned outright by decedent's child[ren] or other descendants when surviving spouse dies.

C. Decedent's share of community property when all surviving children and descendants of deceased are also children or descendants of surviving spouse. (EC § 201.003(b)(2))



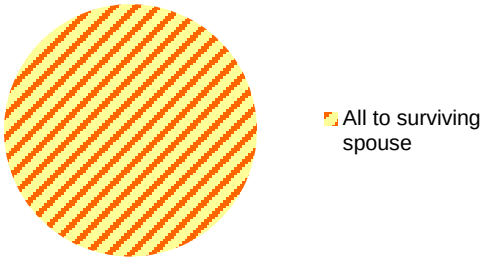
C. Decedent's share of community property when there are children or other descendants from outside of the existing marriage on the date of decedent's death (or if decedent died before September 1, 1993) (EC § 201.003(c))



¹ The charts in this handout illustrate the general rules of descent and distribution under Texas law. In addition to the statutory references noted throughout, see the following Texas Estates Code (EC) provisions, among others: § 201.101, Determination of Per Capita with Representation Distribution (fka per stirpes); § 201.051 et seq., Matters Affecting Inheritance (including Adoption [§ 201.054] and Collateral Kindred of Whole and Half Blood [§ 201.057]); Advancements, §§ 201.151 & 201.152; and Requirement of Survival by 120 Hours, §§ 121.052 & 121.053 (see also §§ 121.151-121.153).

2. Married Person with No Child or Descendant

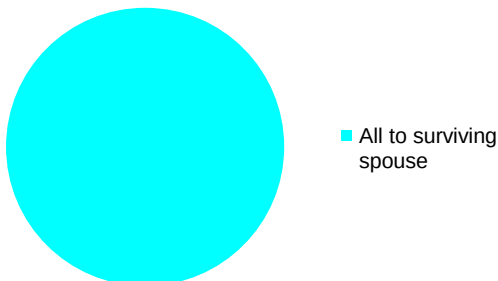
A. Decedent's separate personal property (all that is not real property) (EC § 201.002(c)(1))



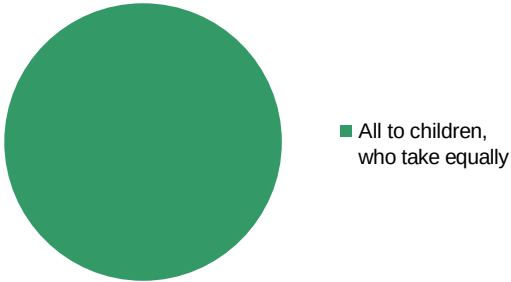
B. Decedent's separate real property (EC § 201.002)

If decedent is survived by both mother and father. EC §§ 201.001(c) & 201.002(c)(2) & (3). 1/4 to father 1/4 to mother 1/2 to surviving spouse	If decedent is survived (1) by mother or father and (2) by sibling(s) or their descendants. EC §§ 201.001(d)(1) & 201.002(c)(2) & (3). 1/4 to surviving parent 1/4 to siblings, etc. 1/2 to surviving spouse	If decedent is survived by mother or father, but is not survived by any sibling(s) or their descendants. EC §§ 201.001(d)(2) & 201.002(c)(2) & (3). 1/2 to surviving parent 1/2 to surviving spouse
If decedent is survived by neither parent, but is survived by sibling(s) or their descendants. EC §§ 201.001(e) & 201.002(c)(2) & (3). 1/2 to siblings, etc. 1/2 to surviving spouse	If decedent is survived by no parent, no sibling, and no descendant of a sibling. EC § 201.002(d). All to surviving spouse	

C. Decedent's share of community property (EC § 201.003(b)(1))



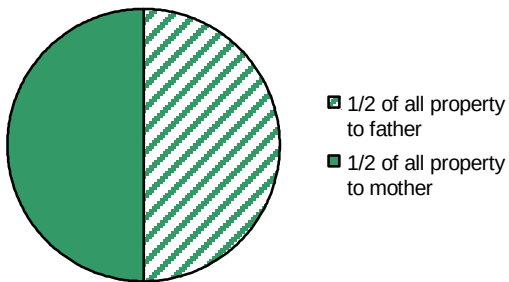
3. Unmarried Person with Child[ren] or Other Descendants (EC § 201.001(b))



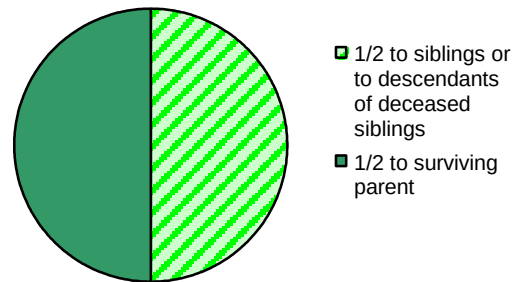
4. Unmarried Person with No Child or Descendant

All property passes depending on who survived the decedent:¹

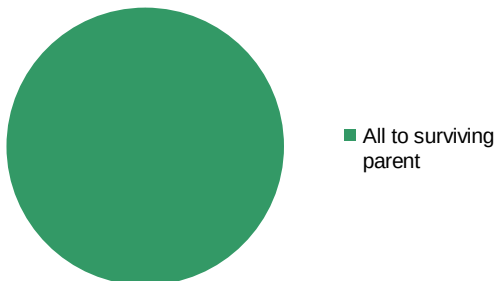
If decedent is survived by **both** mother and father. EC § 201.001(c).



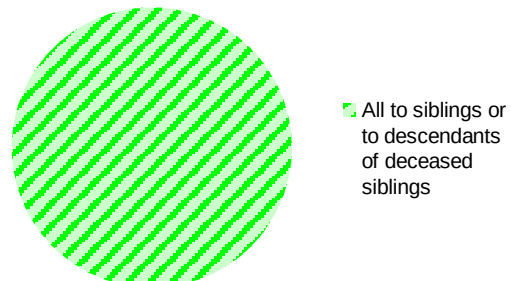
If decedent is survived (1) by mother **or** father **and** (2) by sibling(s) or their descendants. EC § 201.001(d)(1).



If decedent is survived by mother **or** father, **but is not** survived by any sibling(s) or their descendants. EC § 201.001(d)(2).



If decedent is survived by **neither parent**, but **is** survived by sibling(s) or their descendants. EC § 201.001(e).



¹ If none of the four situations above applies, see EC § 201.001(f)-(h).