

# TEXAS INTESTACY

## - REAL PROPERTY

### Descent & Distribution – Texas Estates Code §201

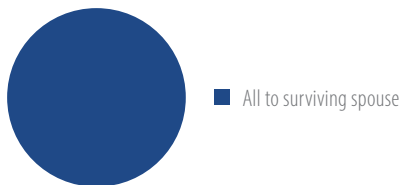
When someone dies without a Will, they are said to die “intestate”. The Texas Estates Code under Chapter 201 governs the laws of descent and distribution (i.e. intestate succession) for parties who die intestate. These charts should assist you in determining heirship pursuant to the statutes. Please note that these charts only address real property distributions and are not to be used for personal property distributions as there are different rules applicable to personal property. If you have any questions, please reach out to Providence Title Underwriting.

#### I. Decedent was Married at Death

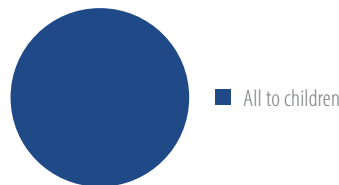
##### A. Married with Children or Other Descendants - Died On or After 09/01/1993:

###### 1. Decedent’s Community Property - EC §201.003(b)-(c)

1.a. When all surviving children and descendants were children of the decedent’s and the surviving spouse:

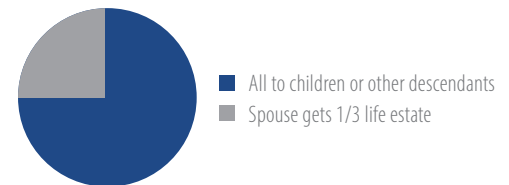


1.b. When there are surviving children or other descendants outside of the existing marriage:



###### 2. Decedent’s Separate Property - EC §201.002(b)

2.a. When there are children and a surviving spouse:



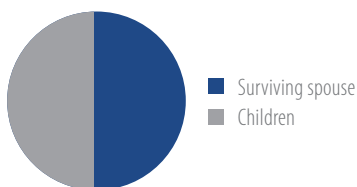
**Note:** children take everything subject to the spouse’s 1/3 life estate.

##### B. Married with Children or Other Descendants - Died Prior to 09/01/1993:

###### 1. Decedent’s Community Property

TX Probate Code §45

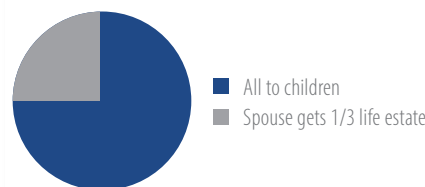
1.a. If the decedent had community property and died prior to 09/01/1993:



###### 2. Decedent’s Separate Property

TX Probate Code §38(b)(1)

2.a. If decedent had separate property and died prior to 09/01/1993:

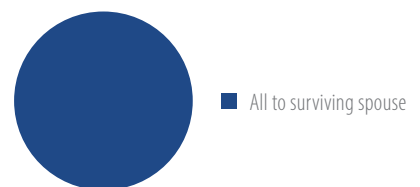


##### C. Married with No Children or Other Descendants:

###### 1. Decedent’s Community Property

EC §201.003(b)(1)

1.a. If the decedent had community property:



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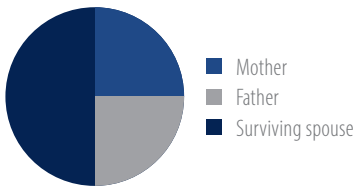
## - REAL PROPERTY

### Descent & Distribution – Texas Estates Code §201

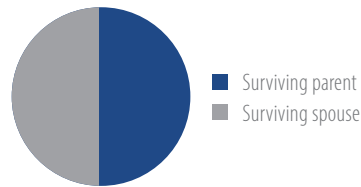
#### C. Married with No Children or Other Descendants: *Cont.*

##### 2. Decedent's Separate Property - EC §201.001(c)-(d)

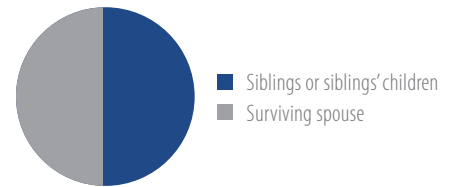
2.a. If decedent is survived by their mother and father



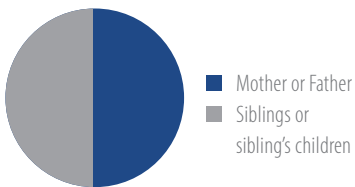
2.b. If decedent is survived by only (1) parent but no sibling(s) or sibling(s)' children (nieces or nephews):



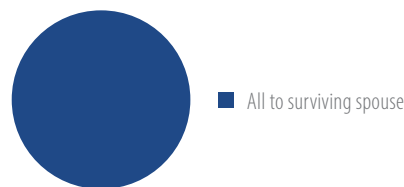
2.c. If decedent is survived by neither parent but is survived by sibling(s) or sibling(s)' children (nieces or nephews):



2.d. If decedent is survived by  
1) mother or father and  
2) siblings or siblings' children (nieces or nephews)\*



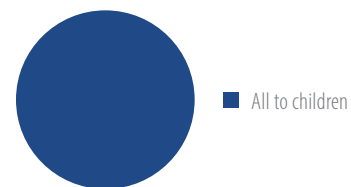
2.e. If decedent is survived by no parent, no sibling, and no siblings' children (nieces or nephews):



#### II. Decedent was *Single* at Death

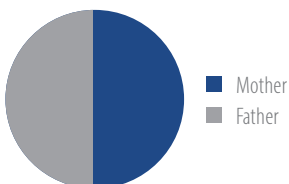
##### 1. Single with Children or Other Descendants EC §201.001(b)

1.a. If decedent is survived by children or other descendants:

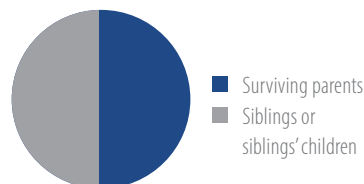


##### 2. Single with No Children or Other Descendants - EC §201.001(c)-(e)

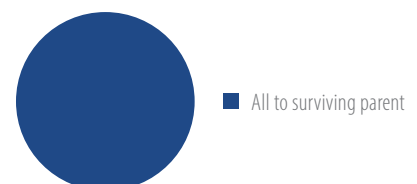
2.a. If decedent is survived by their mother and father:



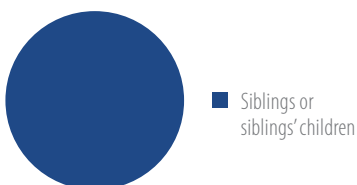
2.b. If decedent is survived by  
1) mother or father and  
2) siblings or siblings' children (nieces or nephews)



2.c. If decedent is survived by  
1) mother or father but no sibling(s) or sibling(s)' children:



2.d. If decedent is survived by  
1) mother or father and  
2) siblings or siblings' children (nieces or nephews)



2.e. If a. through d. do not apply > see EC §201.001(f)-(h)

\*If a decedent's sibling(s) die before the decedent but the sibling(s) had children, those children inherit their parent's share of the decedent's estate even though their parent did not survive the decedent. Thus, nieces and nephews may inherit from an aunt or uncle via descent and distribution under the Texas Estates Code.