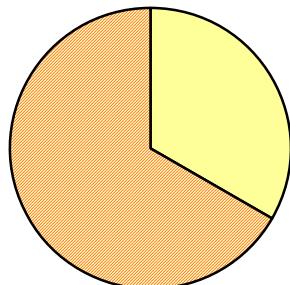


Texas Descent and Distribution¹

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

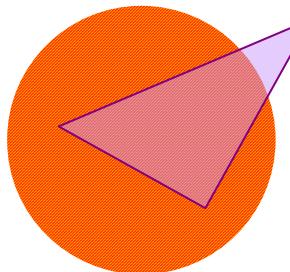
1. Married Person with Child[ren] or Other Descendants

A. Decedent's separate personal property (all that is not real property) TEC §201.002(b)(1) & (2)



- 1/3 to surviving spouse
- Children take 2/3 equally

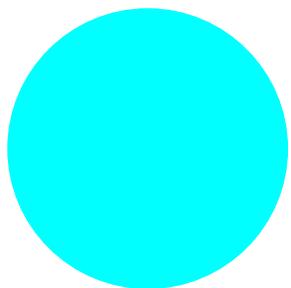
B. Decedent's separate real property TEC §201.002(b)(3)



- Surviving spouse gets 1/3 life estate
- Children take all equally, subject to surviving spouse's 1/3 life estate

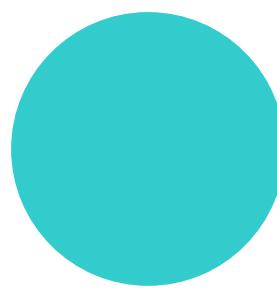
All separate real property will be owned outright by decedent's child[ren] or other descendants when surviving spouse dies.

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



- All to surviving spouse

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).
TEC 201.003(c); 201.001



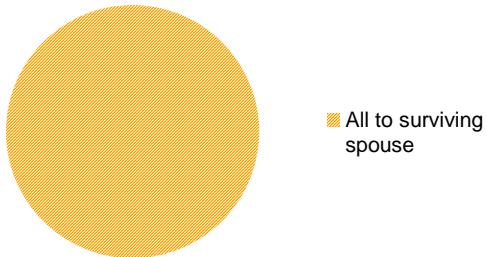
- All to children, who take equally

Surviving spouse takes none, but retains own share

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 §201.101 Determination of Per Capita With Representation Distribution, as well as the following sections: §201.054 Inheritance of Adopted Child; §201.056 Persons Not in Being; §201.057 Collateral Kindred of Whole and Half Blood; 201.062 Treatment of Certain Parent-Child Relationships; §201.151 Determination of Advancement; §251.002 Disinheritance of an Heir By Will. TEC refers to the Texas Estates Code.

2. Married Person with No Child or Descendant

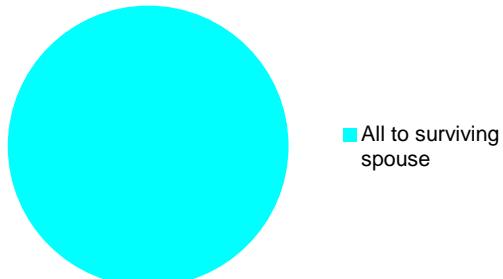
A. Decedent's separate personal property (all that is not real property) TEC §201.002(c)(1)



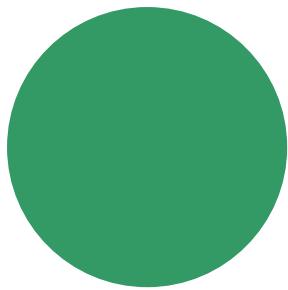
B. Decedent's separate real property

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

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



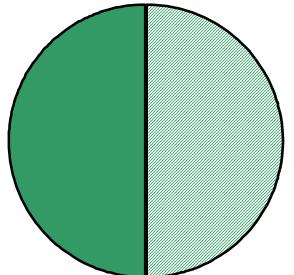
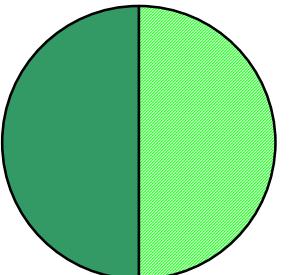
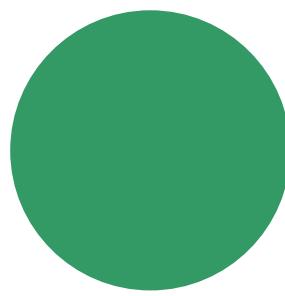
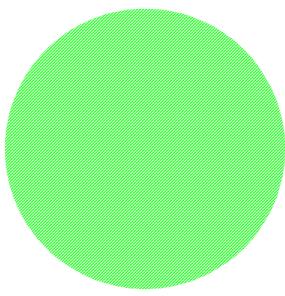
3. Unmarried Person with Child[ren] or Other Descendants TEC §201.001(b)



- All to children,
who take equally

4. Unmarried Person with No Child or Descendant

All property passes depending on who survived the decedent:¹

| | |
|--|---|
| <p>If decedent is survived by both mother and father. TEC §201.001(c)</p>  <ul style="list-style-type: none">■ 1/2 of all property to father■ 1/2 of all property to mother | <p>If decedent is survived by (1) by mother or father and (2) by sibling(s) or their descendants. TEC §201.001(d)(1)</p>  <ul style="list-style-type: none">■ 1/2 to siblings or to descendants of deceased siblings■ 1/2 to surviving parent |
| <p>If decedent is survived by mother or father but is not survived by any sibling(s) or their descendants. TEC §201.001(d)(2)</p>  <ul style="list-style-type: none">■ All to surviving parent | <p>If decedent is survived by neither parent, but is survived by sibling(s) or their descendants. TEC §201.001(e)</p>  <ul style="list-style-type: none">■ All to siblings or to descendants of deceased siblings |

¹ If none of the four situations above applies, see TEC §201.001(f)