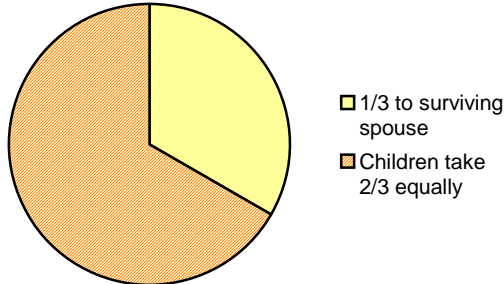


Texas Descent and Distribution²

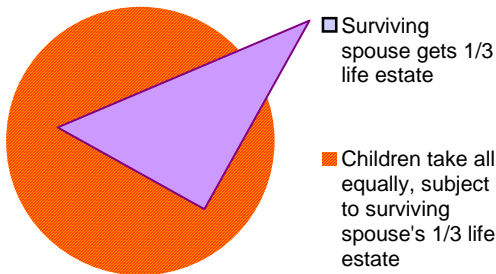
The Legal Effect of Not Having a Will (for decedents dying after 9/1/1993)

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

A. Decedent's separate personal property (all that is not real property) (TPC § 38(b)(1))

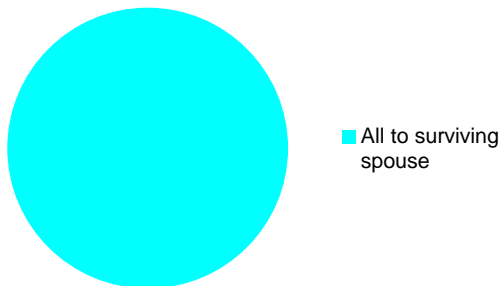


B. Decedent's separate real property (TPC § 38(b)(1))

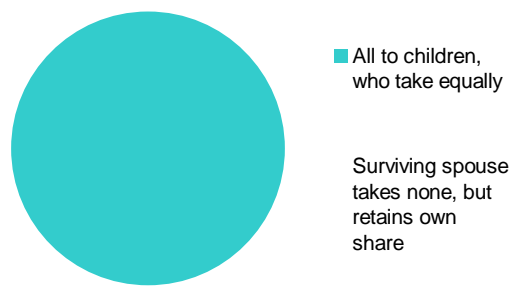


All separate real property will be owned outright by decedent's child[ren] or other descendants when surviving spouse dies.

C. Decedent's share of community property when all surviving children and descendants of deceased are also children or descendants of surviving spouse. (TPC § 45(a)(2))



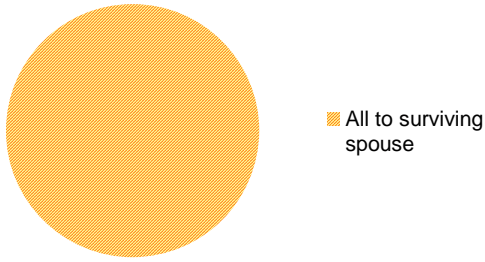
C. Decedent's share of community property when there are children or other descendants from outside of the existing marriage on the date of decedent's death. (TPC § 45(b))



² 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 § 43 of the Texas Probate Code, Determination of Per Capita and Per Stirpes Distribution, as well as the following sections: § 40, Inheritance By and From an Adopted Child; § 41, Matters Affecting and Not Affecting the Right to Inherit; § 42, Inheritance Rights of Children; § 44, Advancements; and § 47, Requirement of Survival by 120 Hours.

2. Married Person with No Child or Descendant

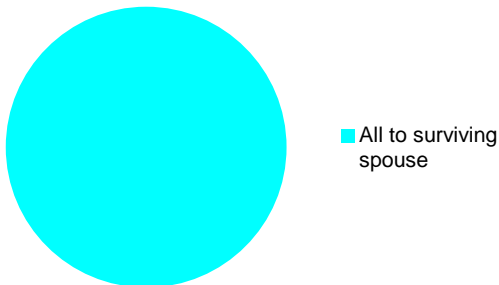
A. Decedent's separate personal property (all that is not real property) (TPC § 38(b)(1))



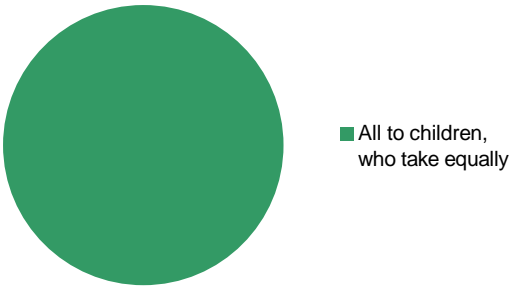
B. Decedent's separate real property (TPC § 38(b)(2))

<p>If decedent is survived by both mother and father. TPC § 38(b)(2) & (a)(2).</p> <ul style="list-style-type: none"> □ 1/4 to father ■ 1/4 to mother ■ 1/2 to surviving spouse 	<p>If decedent is survived (1) by mother or father and (2) by sibling(s) or their descendants. TPC § 38(b)(2) & (a)(2).</p> <ul style="list-style-type: none"> □ 1/4 to surviving parent ■ 1/4 to siblings, etc. ■ 1/2 to surviving spouse 	<p>If decedent is survived by mother or father, but is not survived by any sibling(s) or their descendants. TPC § 38(b)(2) & (a)(2).</p> <ul style="list-style-type: none"> □ 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. TPC § 38(b)(2) & (a)(3).</p> <ul style="list-style-type: none"> ■ 1/2 to siblings, etc. ■ 1/2 to surviving spouse 	<p>If decedent is survived by no parent, no sibling, and no descendant of a sibling. TPC § 38(b)(2).</p> <ul style="list-style-type: none"> ■ All to surviving spouse 	

C. Decedent's share of community property (TPC § 45(a)(1))



3. Unmarried Person with Child[ren] or Other Descendants (TPC § 38(a)(1))



4. Unmarried Person with No Child or Descendant

All property passes depending on who survived the decedent:¹

<p>TPC § 38(a)(2). If decedent is survived by both mother and father.</p> <p>■ 1/2 of all property to father ■ 1/2 of all property to mother</p>	<p>TPC § 38(a)(2). If decedent is survived (1) by mother or father and (2) by sibling(s) or their descendants.</p> <p>■ 1/2 to siblings or to descendants of deceased siblings ■ 1/2 to surviving parent</p>
<p>TPC § 38(a)(2). If decedent is survived by mother or father, but is not survived by any sibling(s) or their descendants.</p> <p>■ All to surviving parent</p>	<p>TPC § 38(a)(3). If decedent is survived by neither parent, but is survived by sibling(s) or their descendants.</p> <p>■ All to siblings or to descendants of deceased siblings</p>

¹ If none of the four situations above applies, see TPC § 38(a)(4).