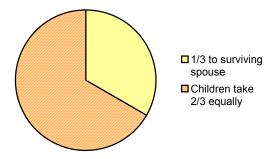
Texas Descent and Distribution¹

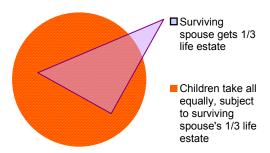
The Legal Effect of Not Having a Will (for decedents dying after 9/1/1993)

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

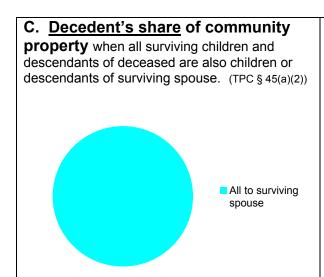
A. Decedent's separate personal property (all that is not real property) (TPC § 38(b)(1))



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 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) (TPC § 45(b))

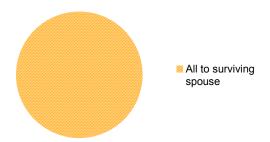
All to children,
who take equally

Surviving spouse
takes none, but
retains own
share

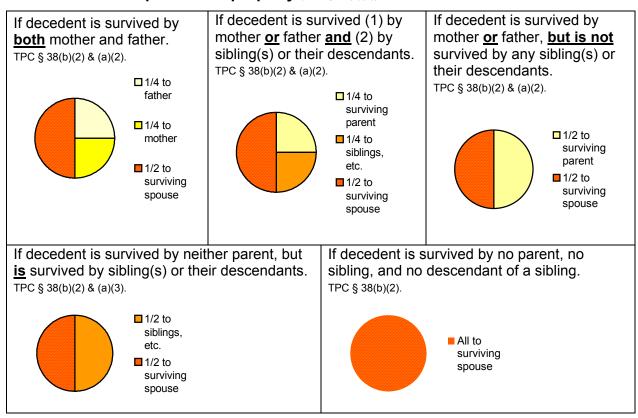
¹ The charts in this handout illustrate the general rules of descent and distribution under Texas law. In addition to the statutory references noted throughout, see § 43 of the Texas Probate Code, Determination of Per Capita and Per Stirpes Distribution, as well as the following sections: § 40, Inheritance 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

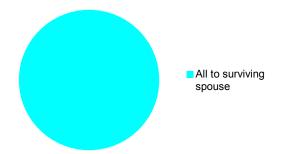
A. Decedent's separate personal property (all that is not real property) (TPC § 38(b)(1))



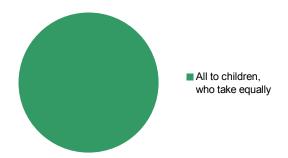
B. Decedent's separate real property (TPC § 38(b)(2))



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

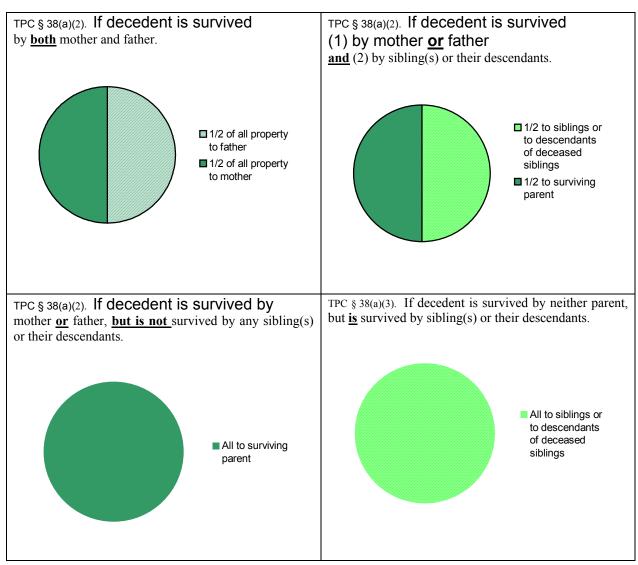


3. Unmarried Person with Child[ren] or Other Descendants (TPC § 38(a)(1))



4. Unmarried Person with No Child or Descendant

All property passes depending on who survived the decedent:1



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