

# TEXAS INTESTACY CHART

## (REAL PROPERTY ONLY)

Intestate succession laws determine who inherits property of a deceased person that did not leave a will. Several fact patterns and the corresponding Texas statutes are described below for reference purposes to establish heirs at law of a decedent.



**SOUTHWESTERN**  
LAND AND TITLE

### Married person with children\* and death prior to September 1, 1993:

#### COMMUNITY PROPERTY

Tex. Probate Code §45



#### SEPARATE PROPERTY

Tex. Probate Code §38(b)(1)



### Married person with children\* that are all from current marriage and death after September 1, 1993:

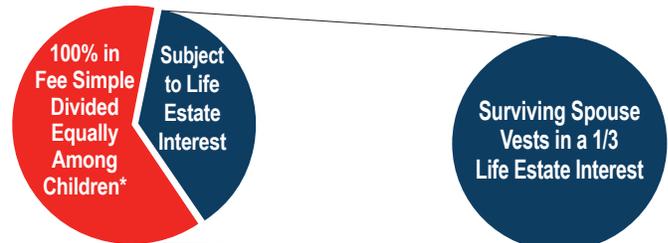
#### COMMUNITY PROPERTY

Tex. Estates Code §201.003(b)(2)



#### SEPARATE PROPERTY

Tex. Estates Code §201.002(b)



### Married person with children\* outside of current marriage and death after September 1, 1993:

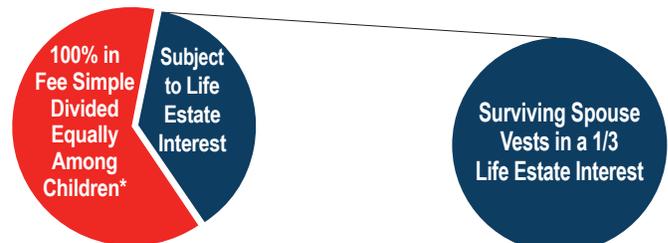
#### COMMUNITY PROPERTY

Tex. Estates Code §201.003(c)



#### SEPARATE PROPERTY

Tex. Estates Code §201.002(b)



**SOUTHWESTERN**  
LAND AND TITLE

#### Clay Guest President

533 George Hopper Rd., Suite 110  
Midlothian, TX 76065  
clay.guest@swlandtitle.com  
P: 469.758.5263  
swlandtitle.com

**\*Note: Descendants of a predeceased person that would otherwise be an heir take their parent's share.**

# TEXAS INTESTACY CHART

(REAL PROPERTY ONLY) CONTINUED

## Married person with no children\*:

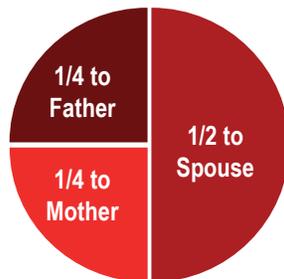
### COMMUNITY PROPERTY

Tex. Estates Code §201.003(b)(1)



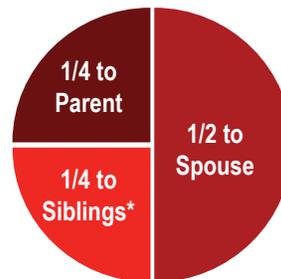
### SEPARATE PROPERTY

**Survived by Both Parents**  
Tex. Estates Code §201.001(c) & §201.002(c)(2)&(3)



**Survived by One Parent/Siblings\***

Tex. Estates Code §201.001(d) & §201.002(c)(2)&(3)



**No Surviving Children\*, Parents or Siblings\***

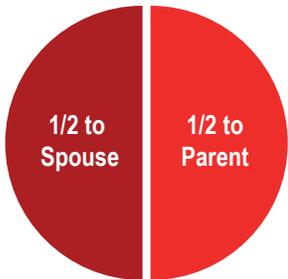
Tex. Estates Code §201.002(d)



## SEPARATE PROPERTY – CONTINUED

**Survived by One Parent/ No Siblings\***

Tex. Estates Code §201.001(c) & §201.002(c)(2)&(3)



**Survived by Siblings\* Only**

Tex. Estates Code §201.001(e) & §201.002(c)(2)&(3)



## A single or widowed person:

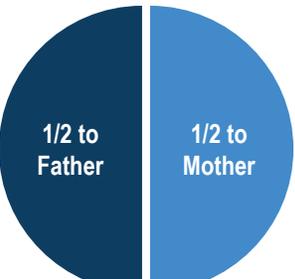
**Survived by Children\***

Tex. Estates Code §201.001(b)



**No Children\*, Survived by Both Parents**

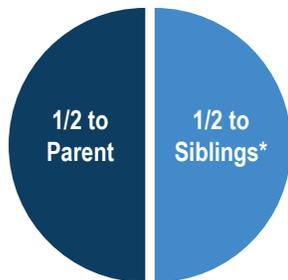
Tex. Estates Code §201.001(c)



## A single or widowed person: Continued

**No Children\*, Survived by One Parent/Siblings\***

Tex. Estates Code §201.001(d)(1)



**No Children/Siblings\*, Survived by One Parent**

Tex. Estates Code §201.001(d)(2)



**No Children\*/Parents, Survived by Siblings\* Only**

Tex. Estates Code §201.001(e)



**No Surviving Children\*, Parents or Siblings\***

Tex. Estates Code §201.001(f)



**\*Note: Descendants of a predeceased person that would otherwise be an heir take their parent's share.**