

Judge Guy Herman

TRAVIS COUNTY PROBATE COURT NO. 1
1000 Guadalupe Street – P.O. Box 1748
Travis County Courthouse, Room 217
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Reminder: New information about marital history must be included in *all* applications to probate wills after 9/1/2009 – and all proofs

Effective September 1, 2009, all applications filed for probate of a will must state “[w]hether a marriage of decedent was ever dissolved after the will was made, whether by divorce, annulment, or a declaration that the marriage was void, and if so, when and from whom.” Tex. Prob. Code §§ 81(a)(8) (for letters testamentary) & 89A(a)(8) (for muniments of title).

The Court requires that this information also be included in the Proof of Death and Other Facts.

Note that the scope of the required statement is both narrower and broader than the statement that was previously required – narrower in time and broader in scope:

Old timeframe “ever”

New timeframe..... “after the will was made”

Old scope “divorced”

New scope “marriage . . . dissolved, whether by divorce, annulment, or a declaration that the marriage was void”

Both the application for probate of a will and the proof of death and other facts must now include a statement similar to one of the following three examples, as appropriate for the facts:

1. “No marriage of Decedent was ever dissolved after the will was made, whether by divorce, annulment, or a declaration that the marriage was void.”
2. “Two marriages of Decedent were dissolved after the will was made. Decedent’s marriage to Jane Stephens Doe was annulled on August 13, 2003, and Decedent was divorced from Janice Howard Roe on January 9, 2009.”
3. “Decedent was never married.”

We ask that all applications and all proofs *specifically* address the dissolution question if Decedent was ever married.