

PROB. 45

Statutes and Session Law

PROBATE CODE

CHAPTER II. DESCENT AND DISTRIBUTION

PROB. 45 COMMUNITY ESTATE.

§ 45. COMMUNITY ESTATE.

(a) On the intestate death of one of the spouses to a marriage, the **community** property estate of the deceased spouse passes to the surviving spouse if:

(1) no child or other descendant of the deceased spouse survives the deceased spouse;
or

(2) all surviving children and descendants of the deceased spouse are also children or descendants of the surviving spouse.

(b) On the intestate death of one of the spouses to a marriage, if a child or other descendant of the deceased spouse survives the deceased spouse and the child or descendant is not a child or descendant of the surviving spouse, one-half of the **community** estate is retained by the surviving spouse and the other one-half passes to the children or descendants of the deceased spouse. The descendants shall inherit only such portion of said property to which they would be entitled under Section 43 of this code. In every case, the **community** estate passes charged with the debts against it.

Acts 1955, 54th Leg., p. 88, ch. 55, eff. Jan. 1, 1956. Amended by Acts 1991, 72nd Leg., ch. 895, § 4, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 846, § 33, eff. Sept. 1, 1993.

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