

REPTL Recodification Project
Probate Code Structure Discussion Outline
8/24/2007

TITLE 1. GENERAL PROVISIONS

Chapter 1. Short Title, General Provisions

1. Short title (1)
2. Effective date, application (2)
3. Defects in pleadings (9)

Chapter 2. Definitions, Use of Terms (3)
(add definition of “probate asset”)

Chapter 3. Scope, Jurisdiction, Courts
(4, 5, 5A, 5B, 5C, 6, 8) [REPTL Committee project]

Chapter 4. Notice, Parties, Representation, Proceedings

Subchapter A. Citation, Notices

- a) Issuance, contents, etc (33)
- b) Service on attorneys (34)
- c) Waiver (35)
- d) Heirships (50)
- e) Foreign Wills (101)
- f) Will probate, letters (128-129A)

Subchapter B. Attorneys Ad Litem (34A)

Subchapter C. Procedures

- a) Applications and other papers to be filed (11)
- b) Costs and security (12)
- c) Judge’s probate docket (13)
- d) Claim docket (14)
- e) Case files (15)
- f) Probate fee book (16)
- g) Maintaining records (17)
- h) Index (17A)
- i) Use of records (18)
- j) Call of the dockets (19)
- k) Clerk may set hearings (20)
- l) Evidence (22)
- m) Decrees and signing of minutes (23)
- n) Enforcement of orders (24)
- o) Executions (25)

Subchapter D. Complaints, Contests & Construction

- a) Persons entitled to contest (10)
- b) Necessary party (10A)
- c) Effect of filing or contesting (10C)
- d) Communications or records (10B)
- e) Trial by jury (21)
- f) Attachments for property (26)
- g) Enforcement of specific performance (27)
- p) Personal representative to serve (28)
- h) Appeal bonds (29)
- i) Bill of Review (31)

Subchapter E. Suit to Set Aside Probated Will (93)

Chapter 5. Safekeeping

Subchapter A. Deposit of will (71)

Subchapter B. Safe Deposit Boxes

- a) Examination of safe deposit box (36B)
- b) Delivery of document with court order (36C)
- c) Examination of safe deposit box without court order (36D)
- d) Delivery of document without court order (36E)
- e) Restriction on removal (36F)

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Subchapter B. Liability of community property (156)

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Subchapter D. When homestead not partitioned (284)

Subchapter E. When homestead partitioned (285)

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Subchapter C. Community Property with Right of Survivorship
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Subchapter D. Multi -party accounts
(436-449)

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Chapter 5. Disclaimers and Assignments

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2. Assignments (37B)

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2. Revocable trusts (471-473)
3. Co-ordination with Family Code (life insurance - 9.301;
retirement benefits - 9.302)

Chapter 7. Estate Tax Issues

1. Apportionment (322A)
2. Satisfaction of pecuniary bequests (378A)

Chapter 8. Proceedings Before Death (72)

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 - b. community property (45)
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[REPTL committee project]

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