Texas Court Held A Claim For An Heirship Proceeding Was Barred By Limitations Even Though A New Statute Provides For No Limitations For Heirship Proceedings

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Sunday, June 14, 2020

In the Estate of Trickett, two petitioners filed an heirship proceeding to establish their status as the sole heirs and rightful owners of a royalty interest. No. 13-19-00154-CV, 2020 Tex. App. LEXIS 3949 (Tex. App.—Corpus Christi May 14, 2020, no pet. history). Others opposed the application as they claimed the same interest from the decedent’s husband’s estate. The trial court ruled for the petitioners, and the opposing parties appealed. The court of appeals first held that the statute of limitations for heirship proceedings is four years. The court then held that the applicant’s claim was barred because it accrued over forty years ago:

[A]ny alleged legal injury of which the appellees now complain occurred in 1972 when Claralyn passed away and Claralyn’s property vested in Robert. The deeds gave at least constructive knowledge that any interest appellees possessed in the property was at stake. However, appellees did not file suit until March 25, 2015, more than forty-two years after her death. We therefore conclude that appellees’ claims are barred by the four-

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