*Lawton v. Lawton*, No. 01-12-00932-CV, at \*4-5 (Tex. App. Mar. 6, 2014)

[Lawton v. Lawton](https://casetext.com/case/lawton-v-lawton-13?endDate=1735689599999&jxs=5cir%2Ctx&p=1&q=probate+court+loses+jurisdiction&sort=relevance&startDate=1388534400000&type=case&ssr=false&scrollTo=true)

NO. 01-12-00932-CV (Tex. App. Jul. 10, 2014) Cited 2 times

1. **Jurisdiction** (emphasis mine)

Whether a trial court has subject matter jurisdiction is a question of law that we review de novo. See Tex. Natural Res. Conservation Comm'n v. IT-Davy, [74 S.W.3d 849, 855](https://casetext.com/case/texas-natural-resources-conservation-v-it-davy#p855) (Tex. 2002). Although courts generally do not lose subject matter jurisdiction once it attaches, a probate court is a specialized court that can lose jurisdiction over matters incident to an estate if it loses jurisdiction over the probate matters. See Goodman v. Summit at West Rim, Ltd., [952 S.W.2d 930, 933](https://casetext.com/case/goodman-v-summit-at-west-rim-ltd#p933) (Tex. App.—Austin 1997, no pet.). **In other words, once an estate closes, incident claims are pendent or ancillary to nothing, and the probate court loses jurisdiction**. Id.; see also Schuld v. Dembrinski, [12 S.W.3d 485, 487](https://casetext.com/case/schuld-v-dembrinski#p487) (Tex. App.—Dallas 2000, no pet.) ("The pendency of a probate proceeding is a requisite for a court's exercise of jurisdiction over matters related to it."); Garza v. Rodriguez, [18 S.W.3d 694, 698](https://casetext.com/case/garza-v-rodriguez-2#p698) (Tex. App.—San Antonio 2000, no pet.) ("Before a matter can be regarded as incident to an estate . . . a probate proceeding must actually be pending.").

[**Narvaez v. Powell**](https://casetext.com/case/narvaez-v-darron-powell-darron-powell-pllc?endDate=1735689599999&jxs=5cir%2Ctx&p=1&q=probate+court+loses+jurisdiction+NOT+guardianship&sort=relevance&startDate=1388534400000&type=case&ssr=false&scrollTo=true)

564 S.W.3d 49 (Tex. App. 2018)Cited 10 times

Judge's Summary — Stating "*probate courts* exercise their ancillary or pendent *jurisdiction* over non-*probate* matters only when doing so will aid in the efficient administration of an estate pending in the *probate court*"

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A probate court may exercise pendent and ancillary jurisdiction as necessary to promote judicial efficiency and economy. TEX.ESTATES CODE ANN. § 32.001(b). In order for a probate court to assert jurisdiction over matters incident to an estate, a probate proceeding must be pending in the court. See Frost National Bank , 315 S.W.3d at 506. That requisite is satisfied here. Typically, probate courts exercise ancillary or pendent jurisdiction when a close relationship exists between the non-probate claims and the claims against the estate. See Shell Cortez Pipeline Co. v. Shores , 127 S.W.3d 286, 294 (Tex.App.—Fort Worth 2004, no pet.), citing Sabine Gas Trans. Co. v.Winnie Pipeline Co. , 15 S.W.3d 199, 202 (Tex.App.—Houston [14th Dist.] 2000, no pet.) ; Goodman v. Summit at W. Rim, Ltd. , 952 S.W.2d 930, 933 (Tex.App.—Austin 1997, no pet.) (holding that probate court can exercise "ancillary" or "pendent" jurisdiction over a claim only if it bears some relationship to the estate). That is, probate courts exercise their ancillary or pendent jurisdiction over non-probate matters only when doing so will aid in the efficient administration of an estate pending in the probate court. Shell Cortez Pipeline , 127 S.W.3d at 294-95.