

# Tex. Est. Code § 254.005

## Section 254.005 - Forfeiture Clause

(a) A provision in a will that would cause a forfeiture of or void a devise or provision in favor of a person for bringing any court action, including contesting a will, is enforceable unless in a court action determining whether the forfeiture clause should be enforced, the person who brought the action contrary to the forfeiture clause establishes by a preponderance of the evidence that:

(1) just cause existed for bringing the action; and

(2) the action was brought and maintained in good faith.

(b) This section is not intended to and does not repeal any law recognizing that forfeiture clauses generally will not be construed to prevent a beneficiary from seeking to compel a fiduciary to perform the fiduciary's duties, seeking redress against a fiduciary for a breach of the fiduciary's duties, or seeking a judicial construction of a will or trust.

*Tex. Estates § 254.005*

Amended by Acts 2015, Texas Acts of the 84th Leg. - Regular Session, ch. 949, Sec. 17, eff. 9/1/2015.

Amended by Acts 2013, 83rd Leg. - Regular Session, ch. 351, Sec. 2.01, eff. 1/1/2014.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1338, Sec. 2.26, eff. 1/1/2014.

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