

HB288 INTRODUCED



1 HB288
2 BYT8D4Q-1
3 By Representative Robbins
4 RFD: Judiciary
5 First Read: 20-Jan-26



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4 SYNOPSIS:

5 Under existing law, the probate court has
6 original and general jurisdiction over the
7 administration of decedents' estates.

8 Also under existing law, when certain estates
9 are removed from probate court to circuit court for
10 administration, the circuit court is bound by the
11 probate court's prior legal and factual conclusions.

12 This bill would allow the circuit court to
13 administer certain removed estates as a trial de novo
14 unless the parties agree to the probate court's record
15 of proceedings.

16 This bill would also make nonsubstantive,
17 technical revisions to update the existing code
18 language to current style.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT

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Relating to removal of probate estates to circuit
court; to amend Section 12-11-41, Code of Alabama 1975, to
allow the circuit court to administer removed estates as a
trial de novo unless the parties agree to the probate court



29 record of proceedings; and to make nonsubstantive, technical
30 revisions to update the existing code language to current
31 style.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. Section 12-11-41, Code of Alabama 1975, is
34 amended to read as follows:

35 "§12-11-41

36 (a) The administration of any estate may be removed
37 from the probate court to the circuit court at any time after
38 the issuance of letters testamentary, letter of
39 administration, or letter of administration with the will
40 annexed and before a final settlement. ~~thereof, by any heir,~~
41 ~~devisee, legatee, distributee, executor, administrator or~~
42 ~~administrator with the will annexed of any such estate,~~
43 ~~without assigning any special equity; and an~~

44 (b) An order of removal must be made by the court, upon
45 payment of the circuit court costs and upon the filing of a
46 sworn petition by any ~~such~~ heir, devisee, legatee,
47 distributee, executor, administrator or administrator with
48 the will annexed of any such estate. ~~, reciting The petition~~
49 must state that the petitioner is ~~such~~ an heir, devisee,
50 legatee, distributee, executor, administrator or
51 administrator with the will annexed and that, in the opinion
52 of the petitioner, ~~such the~~ estate can be better administered
53 in the circuit court than in the probate court.

54 (c) Any estate removed to the circuit court under this
55 section shall be administered in the circuit court as a trial
56 de novo unless the parties mutually agree to the record of the

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57 proceedings in probate court."

58 Section 2. This act shall become effective on October
59 1, 2026.