

Tortious Interference with Inheritance: New Case

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The emerging Texas cause of action for tortious interference with inheritance was discussed in a 2013 case from the San Antonio Court of Appeals.

1. Cause of Action, Elements

In *Estate of Valdez*, the court confirmed the existence of the cause of action under Texas law and stated that the elements are:

- (1) that an interference with one's property or property rights occurred;
- (2) such interference was intentional and caused damage; and
- (3) the interference was conducted with neither just cause nor legal excuse.

2. Will Contest is not Tortious Interference

In *Valdez*, the proponent of a will sued a will contestant for tortious interference with inheritance rights. The court held that filing a will contest is not tortious interference as a matter of law.

The court also noted that the Texas Probate Code (now the Texas Estates Code effective 1/1/2014) specifically provides that "the filing or contesting in probate court of any pleading relating to a decedent's estate does not constitute tortious interference with inheritance of the estate."

3. Conclusion

Tortious interference with inheritance is an expanding cause of action under Texas law, but it is not effective against a person who files a will contest.



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