

BILL ANALYSIS

S.B. 347
By: Wentworth
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, during the administration of a decedent's estate, and during proceedings regarding the guardianship of a ward's estate, upon application by any interested person or if a court deems it necessary, a court is required to appoint an appraiser to appraise the decedent's or ward's estate. If the court orders an appraisal on its own motion, there is no record regarding why the appraiser was appointed, making it difficult or impossible to ascertain whether the judge abused his/her discretion in ordering the appraisal.

S.B. 347 requires there to be "good cause shown," a legally sufficient reason, for a court to order an appraisal of a decedent's or ward's estate.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 248, Texas Probate Code, as follows:

Sec. 248. APPOINTMENT OF APPRAISERS. Sets forth specific procedural requirements for the court to appoint not less than one and not more than three disinterested persons to appraise the property of the estate. Deletes existing text requiring the court to proceed with appointments if the court deems necessary.

SECTION 2. Amends Section 727, Texas Probate Code, as follows:

Sec. 727. APPOINTMENT OF APPRAISERS. Sets forth specific procedural requirements for the court to appoint not less than one and not more than three disinterested persons to appraise the property of the ward. Deletes existing text requiring the court to proceed with appointments if the court deems necessary.

SECTION 3. Makes application of Section 248, Texas Probate Code, as amended by this Act, prospective.

SECTION 4. Makes application of Section 727, Texas Probate Code, as amended by this Act, prospective.

EFFECTIVE DATE

September 1, 2005