

AN ACT

relating to the appointment of an appraiser to appraise the property of a decedent's or ward's estate.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 248, Texas Probate Code, is amended to read as follows:

Sec. 248. APPOINTMENT OF APPRAISERS. At any time after the grant of letters testamentary or of administration and on its own motion or on the motion of an~~[, upon the application of any]~~ interested person ~~[or if the court shall deem necessary]~~, the court for good cause shown shall appoint not less than one nor more than three disinterested persons, citizens of the county in which letters were granted, to appraise the property of the estate. In such event and when part of the estate is situated in a county other than the county in which letters were granted, if the court shall deem necessary it may appoint not less than one nor more than three disinterested persons, citizens of the county where such part of the estate is situated, to appraise the property of the estate situated therein.

SECTION 2. Section 727, Texas Probate Code, is amended to read as follows:

Sec. 727. APPOINTMENT OF APPRAISERS. After letters of guardianship of the estate have been granted and on its own motion or on the motion ~~[the application]~~ of any interested person, ~~[or if~~

1 ~~the court deems it necessary,~~] the court for good cause shown shall  
2 appoint at least one but not more than three disinterested persons  
3 who are citizens of the county in which letters were granted to  
4 appraise the property of the ward. If the court appoints an  
5 appraiser under this section and part of the estate is located in a  
6 county other than the county in which letters were granted, the  
7 court may appoint at least one but not more than three disinterested  
8 persons who are citizens of the county in which the part of the  
9 estate is located to appraise the property of the estate located in  
10 the county if the court considers it necessary to appoint an  
11 appraiser.

12 SECTION 3. The changes in law made by this Act to Section  
13 248, Texas Probate Code, apply only to the estate of a decedent who  
14 dies on or after the effective date of this Act. The estate of a  
15 decedent who dies before the effective date of this Act is governed  
16 by the law in effect on the date of the decedent's death, and the  
17 former law is continued in effect for that purpose.

18 SECTION 4. (a) The changes in law made by this Act to  
19 Section 727, Texas Probate Code, apply only to a guardianship  
20 proceeding commenced on or after the effective date of this Act.

21 (b) A guardianship proceeding commenced before the  
22 effective date of this Act is governed by the law applicable to the  
23 proceeding immediately before the effective date of this Act, and  
24 that law is continued in effect for that purpose.

25 SECTION 5. This Act takes effect September 1, 2005.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 347 passed the Senate on March 31, 2005, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 347 passed the House on May 20, 2005, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor