

Amend SB 593 (introduced version) as follows:

(1) In SECTION 1 of the bill, strike proposed Section 128A(c)(1), Texas Probate Code (page 2, lines 9 through 14), and substitute the following:

(1) if the beneficiary is a trust, to the trustee, unless the personal representative is the trustee, in which case the personal representative shall give the notice to:

(A) except as provided by Paragraph (B) of this subdivision, the person, entity, or class first eligible to receive the trust income, to be determined for purposes of this paragraph as if the trust were in existence on the date of the decedent's death;
or

(B) the attorney general, if under Paragraph (A) of this subdivision the notice is required to be given to:

(i) a charitable beneficiary that is no longer in existence; or

(ii) a class of charitable beneficiaries, but providing the notice to the class is impracticable because the class is not composed of natural persons or is unascertainable;

(2) In SECTION 1 of the bill, at the end of proposed Section 128A(c)(2), Texas Probate Code (page 2, line 16), strike "; and" and substitute an underlined semicolon.

(3) In SECTION 1 of the bill, at the end of proposed Section 128A(c)(3), Texas Probate Code (page 2, line 18), between "minor" and the underlined period, insert the following:
; and

(4) if the beneficiary is a charitable beneficiary that is no longer in existence or is a class of charitable beneficiaries that is not composed of natural persons or is unascertainable, to the attorney general

(4) In SECTION 1 of the bill, strike proposed Section 128A(d)(1)(A), Texas Probate Code (page 2, lines 21 through 25), and substitute the following:

(A) the name and address of the beneficiary to whom the notice is given or, for a beneficiary described by Subsection (c) of this section:

(i) the name and address of the beneficiary

for whom the notice is given or, if that beneficiary is a charitable beneficiary or class of charitable beneficiaries described by Subsection (c)(4) of this section, a description of the beneficiary or class of beneficiaries; and

(ii) the name and address of the person to whom the notice is given;

(5) In SECTION 1 of the bill, strike proposed Section 128A(d)(1)(F), Texas Probate Code (page 3, lines 6 through 9), and substitute the following:

(F) that the personal representative is a fiduciary and owes duties to the beneficiary, the beneficiary has rights under the Texas Probate Code and common law, and the beneficiary should consider retaining an attorney to advise the beneficiary of those rights and duties; and

(6) In SECTION 1 of the bill, in proposed Section 128A(f), Texas Probate Code, strike page 3, lines 14 through 22 and substitute the following:

(f) Not later than the 90th day after the date of an order admitting a will to probate, the personal representative shall file with the clerk of the court in which the decedent's estate is pending a sworn affidavit of the personal representative, or a certificate signed by the personal representative's attorney, stating:

(1) the name and address of each beneficiary to whom the personal representative gave the notice and, with respect to each beneficiary described by Subsection (c) of this section:

(A) the name and address of the beneficiary for whom the personal representative gave the notice or, if a beneficiary is a charitable beneficiary or class of charitable beneficiaries described by Subsection (c)(4) of this section, a description of the beneficiary or class of beneficiaries; and

(B) the name and address of the person to whom the personal representative gave the notice;

(7) In SECTION 1 of the bill, at the end of proposed Section 128A(f), Texas Probate Code (page 4, line 1), between "section." and "~~[If the address]~~", insert the following:

(g) The affidavit or certificate required by Subsection (f)

of this section may be included with any pleading or other document filed with the clerk of the court, including the inventory, appraisal, and list of claims or an application for an extension of the deadline to file the inventory, appraisal, and list of claims, provided that the pleading or other document with which the affidavit or certificate is included is filed not later than the date the affidavit or certificate is required to be filed as provided by Subsection (f) of this section.

(8) In SECTION 3 of the bill, in amended Section 149C(a)(4), Texas Probate Code (page 5, line 17), strike "the affidavit" and substitute "the affidavit or certificate".

(9) In SECTION 4 of the bill, in amended Section 222(b)(7), Texas Probate Code (page 7, line 1), strike "the affidavit" and substitute "the affidavit or certificate".