

By: Riddle

H.B. No. 2842

A BILL TO BE ENTITLED

AN ACT

relating to the reimbursement of expenses from a decedent's estate for certain court proceedings.

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

SECTION 1. Part 6, Chapter VII, Texas Probate Code, is amended by adding Section 246 to read as follows:

Sec. 246. ALLOWANCE FOR DEFENDING CERTAIN ACTIONS. (a) A person designated as executor in a decedent's will shall be allowed out of the estate the person's necessary expenses and disbursements, including reasonable attorney's fees, incurred in defending a proceeding that:

(1) is brought against the person in the person's former capacity as the decedent's agent under a durable power of attorney; and

(2) involves property of the decedent's estate.

(b) A person designated as a devisee in or beneficiary of a decedent's will shall be allowed out of the estate the person's necessary expenses and disbursements, including reasonable attorney's fees, incurred in prosecuting a proceeding described by Subsection (a) of this section that is brought by the person in good faith and with just cause.

SECTION 2. The changes in law made by this Act apply only to a proceeding that is instituted on or after the effective date of this Act.

1 SECTION 3. This Act takes effect September 1, 2009.