

By: Hegar

S.B. No. 559

A BILL TO BE ENTITLED

AN ACT

relating to inventories, appraisements, and lists of claims of a decedent's estate under independent administration.

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

SECTION 1. Section 15, Texas Probate Code, is amended to read as follows:

Sec. 15. CASE FILES. The county clerk shall maintain a case file for each decedent's estate in which a probate proceeding has been filed. The case file must contain all orders, judgments, and proceedings of the court and any other probate filing with the court, including all:

(1) applications for the probate of wills and for the granting of administration;

(2) citations and notices, whether published or posted, with the returns thereon;

(3) wills and the testimony upon which the same are admitted to probate, provided that the substance only of depositions shall be recorded;

(4) bonds and official oaths;

(5) inventories, appraisements, and lists of claims, except as provided by Section 145(s) of this code;

(6) exhibits and accounts;

(7) reports of hiring, renting, or sale;

(8) applications for sale or partition of real estate

1 and reports of sale and of commissioners of partition;

2 (9) applications for authority to execute leases for  
3 mineral development, or for pooling or unitization of lands,  
4 royalty, or other interest in minerals, or to lend or invest money;  
5 and

6 (10) reports of lending or investing money.

7 SECTION 2. Section 145, Texas Probate Code, is amended by  
8 adding Subsection (s) to read as follows:

9 (s) Notwithstanding any other provision of this code, if an  
10 independent administration has been created as provided by this  
11 section, the inventory, appraisalment, and list of claims of the  
12 decedent's estate and any supplemental or additional inventory,  
13 appraisalment, and list of claims must be filed with the court and  
14 maintained in the judicial files of the court instead of the case  
15 files of the county clerk. The inventory, appraisalment, and list of  
16 claims of the decedent's estate must be sealed and may be opened  
17 only as provided by Section 145A of this code.

18 SECTION 3. Part 4, Chapter VI, Texas Probate Code, is  
19 amended by adding Section 145A to read as follows:

20 Sec. 145A. ACCESS TO INVENTORY, APPRAISEMENT, AND LIST OF  
21 CLAIMS. (a) An inventory, appraisalment, and list of claims  
22 maintained in the judicial records under Section 145(s) of this  
23 code may be used, inspected, or copied only by:

24 (1) the independent executor; or

25 (2) a person authorized to use, inspect, or copy the  
26 information by a court order issued under this section.

27 (b) On written application, the court, with or without a

1 hearing, may enter an order that authorizes the following persons  
2 to use, inspect, or copy an inventory, appraisalment, and list of  
3 claims maintained in the judicial records under Section 145(s) of  
4 this code:

5 (1) an attorney or attorney ad litem;

6 (2) a party to a proceeding involving the decedent or  
7 the decedent's estate;

8 (3) an heir or devisee of the decedent;

9 (4) law enforcement personnel; or

10 (5) any other person requesting access to the  
11 information.

12 (c) A judge may not issue an order authorizing a person  
13 described by Subsection (b)(5) of this section to have access to an  
14 inventory, appraisalment, and list of claims unless the judge finds  
15 that the person has shown good cause for the use, inspection, or  
16 copying of those records.

17 (d) Except as otherwise provided by the court, an order  
18 issued under Subsection (a) of this section is a standing order  
19 applicable to any supplemental inventory, appraisalment, and list of  
20 claims returned in connection with an independent administration of  
21 a decedent's estate.

22 (e) The court may charge the applicant a reasonable fee not  
23 to exceed actual costs for any copies provided under this section.

24 (f) To the extent that this section conflicts with the Texas  
25 Rules of Judicial Administration or other rules, this section  
26 controls. Notwithstanding Section 22.003, Government Code, the  
27 supreme court may not amend or adopt rules in conflict with this

1 section.

2           SECTION 4. The changes in law made by this Act apply only to  
3 the estate of a decedent who dies on or after the effective date of  
4 this Act. The estate of a decedent who dies before the effective  
5 date of this Act is governed by the law in effect on the date of the  
6 decedent's death, and the former law is continued in effect for that  
7 purpose.

8           SECTION 5. This Act takes effect September 1, 2009.