

By: Woolley

H.B. No. 1934

A BILL TO BE ENTITLED

AN ACT

relating to an allowance from a decedent's estate for devisees in and beneficiaries of a will who defend and prosecute certain proceedings relating to the will.

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

SECTION 1. Section 243, Texas Probate Code, is amended to read as follows:

Sec. 243. ALLOWANCE FOR DEFENDING WILL. When any person designated as executor in a will or an alleged will, or as administrator with the will or alleged will annexed, defends it or prosecutes any proceeding in good faith, and with just cause, for the purpose of having the will or alleged will admitted to probate, whether successful or not, the person ~~[he]~~ shall be allowed out of the estate the person's ~~[his]~~ necessary expenses and disbursements, including reasonable attorney's fees, in such proceedings. When any person designated as a devisee, legatee, or beneficiary in a will or an alleged will~~[, or as administrator with the will or alleged will annexed,~~] defends it or prosecutes any proceeding in good faith, and with just cause, for the purpose of having the will or alleged will admitted to probate, if ~~[whether]~~ successful ~~[or not]~~, the person ~~[he]~~ may be allowed out of the estate the person's ~~[his]~~ necessary expenses and disbursements, including reasonable attorney's fees, in such proceedings.

SECTION 2. (a) Section 352.052(b), Estates Code, as

1 effective January 1, 2014, is amended to read as follows:

2 (b) A person designated as a devisee in or beneficiary of a
3 will or an alleged will~~[, or as administrator with the will or~~
4 ~~alleged will annexed,~~] who, for the purpose of having the will or
5 alleged will admitted to probate, defends the will or alleged will
6 or prosecutes any proceeding in good faith and with just cause, if
7 ~~[whether or not]~~ successful, may be allowed out of the estate the
8 person's necessary expenses and disbursements in those
9 proceedings, including reasonable attorney's fees.

10 (b) The changes in law made by Section 1 of this Act to
11 Section 243, Texas Probate Code, are repealed.

12 (c) This section takes effect January 1, 2014.

13 SECTION 3. The changes in law made by this Act to Section
14 243, Texas Probate Code, apply only to the estate of a decedent who
15 dies on or after the effective date of this Act. The estate of a
16 decedent who dies before the effective date of this Act is governed
17 by the law in effect on the date of the decedent's death, and the
18 former law is continued in effect for that purpose.

19 SECTION 4. Except as otherwise provided by this Act, this
20 Act takes effect September 1, 2011.