

By: Hartnett

H.B. No. 2899

Substitute the following for H.B. No. 2899:

By: Madden

C.S.H.B. No. 2899

A BILL TO BE ENTITLED

AN ACT

relating to decedents' estates.

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

ARTICLE 1. AMENDMENTS TO TEXAS PROBATE CODE

SECTION 1.01. Section 34A, Texas Probate Code, is amended to read as follows:

Sec. 34A. ATTORNEYS AD LITEM. (a) Except as provided by Section 53(c) of this code, the judge of a probate court may appoint an attorney ad litem in any probate proceeding to represent the interests of:

- (1) a person having a legal disability;
- (2) [~~7~~] a nonresident;
- (3) [~~7~~] an unborn or unascertained person;
- (4) [~~7 or~~] an unknown or missing heir; or
- (5) an unknown or missing person entitled to property deposited in an account in the court's registry under Section 408(b) of this code [~~in any probate proceeding~~].

(b) Subject to Subsection (c) of this section, an [~~Each~~] attorney ad litem appointed under this section is entitled to reasonable compensation for services in the amount set by the court. The court shall:

- (1) tax the compensation [~~and to be taxed~~] as costs in the probate proceeding; or
- (2) for an attorney ad litem appointed to represent

1 the interests of an unknown or missing person described by  
2 Subsection (a)(5) of this section, order that the compensation be  
3 paid from money in the account described by that subdivision.

4 (c) The court order appointing an attorney ad litem to  
5 represent the interests of an unknown or missing person described  
6 by Subsection (a)(5) of this section must require the attorney ad  
7 litem to conduct a search for the person. Compensation paid under  
8 Subsection (b) of this section to the attorney ad litem may not  
9 exceed 10 percent of the amount on deposit in the account described  
10 by Subsection (a)(5) of this section on the date:

11 (1) the attorney ad litem reports to the court the  
12 location of the previously unknown or missing person; or

13 (2) the money in the account is paid to the comptroller  
14 as provided by Section 427 of this code.

15 SECTION 1.02. Section 48, Texas Probate Code, is amended by  
16 adding Subsection (d) to read as follows:

17 (d) Notwithstanding Section 16.051, Civil Practice and  
18 Remedies Code, a proceeding to declare heirship of a decedent may be  
19 brought at any time after the decedent's death.

20 SECTION 1.03. Section 49(a), Texas Probate Code, is amended  
21 to read as follows:

22 (a) Such proceedings may be instituted and maintained in any  
23 of the instances enumerated above by the qualified personal  
24 representative of the estate of such decedent, by any person or  
25 persons claiming to be a secured or unsecured creditor or the owner  
26 of the whole or a part of the estate of such decedent, or by the  
27 guardian of the estate of a ward, if the proceedings are instituted

1 and maintained in the probate court in which the proceedings for the  
2 guardianship of the estate were pending at the time of the death of  
3 the ward. In such a case an application shall be filed in a proper  
4 court stating the following information:

5 (1) the name of the decedent and the time and place of  
6 death;

7 (2) the names and residences of the decedent's heirs,  
8 the relationship of each heir to the decedent, and the true interest  
9 of the applicant and each of the heirs in the estate of the  
10 decedent;

11 (3) all the material facts and circumstances within  
12 the knowledge and information of the applicant that might  
13 reasonably tend to show the time or place of death or the names or  
14 residences of all heirs, if the time or place of death or the names  
15 or residences of all the heirs are not definitely known to the  
16 applicant;

17 (4) a statement that all children born to or adopted by  
18 the decedent have been listed;

19 (5) a statement that each marriage of the decedent has  
20 been listed with the date of the marriage, the name of the spouse,  
21 and if the marriage was terminated, the date and place of  
22 termination, and other facts to show whether a spouse has had an  
23 interest in the property of the decedent;

24 (6) whether the decedent died testate and if so, what  
25 disposition has been made of the will;

26 (7) a general description of all the real and personal  
27 property belonging to the estate of the decedent; and

1 (8) an explanation for the omission of any of the  
2 foregoing information that is omitted from the application.

3 SECTION 1.04. Section 77, Texas Probate Code, is amended to  
4 read as follows:

5 Sec. 77. ORDER OF PERSONS QUALIFIED TO SERVE. Letters  
6 testamentary or of administration shall be granted to persons who  
7 are qualified to act, in the following order:

8 (a) To the person named as executor in the will of the  
9 deceased.

10 (b) To the surviving husband or wife.

11 (c) To the principal devisee or legatee of the testator.

12 (d) To any devisee or legatee of the testator.

13 (e) To the next of kin of the deceased, the nearest in order  
14 of descent first, and so on, and next of kin includes a person and  
15 his descendants who legally adopted the deceased or who have been  
16 legally adopted by the deceased.

17 (f) To a creditor of the deceased.

18 (g) To any person of good character residing in the county  
19 who applies therefor.

20 (h) To any other person not disqualified under the following  
21 section [~~Section~~]. When persons [~~applicants~~] are equally entitled,  
22 letters shall be granted to the person [~~applicant~~] who, in the  
23 judgment of the court, is most likely to administer the estate  
24 advantageously, or letters [~~they~~] may be granted to [~~any~~] two or  
25 more of those persons [~~such applicants~~].

26 SECTION 1.05. Section 83(a), Texas Probate Code, is amended  
27 to read as follows:

1           (a) Where Original Application Has Not Been Heard. If, after  
2 an application for the probate of a will or for the appointment of a  
3 general personal representative has been filed, and before such  
4 application has been heard, an application for the probate of a will  
5 of the decedent, not theretofore presented for probate, is filed,  
6 the court shall hear both applications together and determine what  
7 instrument, if any, should be admitted to probate, or whether the  
8 decedent died intestate. The court may not sever or bifurcate the  
9 proceeding on the applications.

10           SECTION 1.06. Section 149C, Texas Probate Code, is amended  
11 by amending Subsection (a) and adding Subsections (a-1) and (a-2)  
12 to read as follows:

13           (a) The [~~county~~] court, [~~as that term is defined by Section~~  
14 ~~3 of this code,~~] on its own motion or on motion of any interested  
15 person, after the independent executor has been cited by personal  
16 service to answer at a time and place fixed in the notice, may  
17 remove an independent executor when:

18                   (1) the independent executor fails to return within  
19 ninety days after qualification, unless such time is extended by  
20 order of the court, an inventory of the property of the estate and  
21 list of claims that have come to the independent executor's  
22 knowledge;

23                   (2) sufficient grounds appear to support belief that  
24 the independent executor has misapplied or embezzled, or that the  
25 independent executor is about to misapply or embezzle, all or any  
26 part of the property committed to the independent executor's care;

27                   (3) the independent executor fails to make an

1 accounting which is required by law to be made;

2 (4) the independent executor fails to timely file the  
3 affidavit or certificate required by Section 128A of this code;

4 (5) the independent executor is proved to have been  
5 guilty of gross misconduct or gross mismanagement in the  
6 performance of the independent executor's duties; or

7 (6) the independent executor becomes an incapacitated  
8 person, or is sentenced to the penitentiary, or from any other cause  
9 becomes incapable of [~~legally incapacitated from~~] properly  
10 performing the independent executor's fiduciary duties.

11 (a-1) The court, on its own motion or on the motion of any  
12 interested person, and after the independent executor has been  
13 cited by certified mail, return receipt requested, to answer at a  
14 time and place stated in the citation, may remove an independent  
15 executor who is appointed under the provisions of this code if the  
16 independent executor:

17 (1) subject to Subsection (a-2)(1) of this section,  
18 fails to qualify in the manner and period required by law;

19 (2) subject to Subsection (a-2)(2) of this section,  
20 fails to return not later than the 90th day after the date the  
21 independent executor qualifies an inventory of the estate property  
22 and a list of claims that have come to the independent executor's  
23 knowledge, unless the period is extended by court order;

24 (3) cannot be served with notices or other processes  
25 because the:

26 (A) independent executor's location is unknown;

27 (B) independent executor is eluding service; or

1           (C) independent executor is a nonresident of this  
2 state who does not have a resident agent to accept service of  
3 process in a probate proceeding or other action relating to the  
4 estate; or

5           (4) subject to Subsection (a-2)(3) of this section,  
6 has misapplied, embezzled, or removed from the state, or is about to  
7 misapply, embezzle, or remove from the state, all or any part of the  
8 property committed to the independent executor's care.

9           (a-2) The court may remove an independent executor:

10           (1) under Subsection (a-1)(1) of this section only if  
11 the independent executor fails to qualify on or before the 30th day  
12 after the date the court sends a notice by certified mail, return  
13 receipt requested, to the independent executor's last known address  
14 and to the last known address of the independent executor's  
15 attorney, notifying the independent executor and attorney of the  
16 court's intent to remove the independent executor for failure to  
17 qualify in the manner and period required by law;

18           (2) under Subsection (a-1)(2) of this section only if  
19 the independent executor fails to file an inventory and list of  
20 claims as required by law on or before the 30th day after the date  
21 the court sends a notice by certified mail, return receipt  
22 requested, to the independent executor's last known address and to  
23 the last known address of the independent executor's attorney,  
24 notifying the independent executor and attorney of the court's  
25 intent to remove the independent executor for failure to file the  
26 inventory and list of claims; and

27           (3) under Subsection (a-1)(4) of this section only on

1 presentation of clear and convincing evidence given under oath of  
2 the misapplication, embezzlement, or removal from this state of  
3 property as described by that subdivision.

4 SECTION 1.07. Part 1, Chapter VIII, Texas Probate Code, is  
5 amended by adding Section 254 to read as follows:

6 Sec. 254. PENALTY FOR FAILURE TO TIMELY FILE INVENTORY,  
7 APPRAISEMENT, AND LIST OF CLAIMS. (a) This section applies only to  
8 a personal representative, including an independent executor or  
9 administrator, who does not file an inventory, appraisal, and  
10 list of claims within the period prescribed by Section 250 of this  
11 code or any extension granted by the court.

12 (b) Any person interested in the estate on written  
13 complaint, or the court on the court's own motion, may have a  
14 personal representative to whom this section applies cited to file  
15 the inventory, appraisal, and list of claims and show cause for  
16 the failure to timely file.

17 (c) If the personal representative does not file the  
18 inventory, appraisal, and list of claims after being cited or  
19 does not show good cause for the failure to timely file, the court  
20 on hearing may fine the representative in an amount not to exceed  
21 \$1,000.

22 (d) The personal representative and the representative's  
23 sureties, if any, are liable for any fine imposed under this section  
24 and for all damages and costs sustained by the representative's  
25 failure. The fine, damages, and costs may be recovered in any court  
26 of competent jurisdiction.

27 SECTION 1.08. Section 407, Texas Probate Code, is amended



1 to read as follows:

2           Sec. 407. CITATION AND NOTICE UPON PRESENTATION OF ACCOUNT  
3 FOR FINAL SETTLEMENT. Upon the filing of an account for final  
4 settlement by temporary or permanent personal representatives of  
5 the estates of decedents, citation shall contain a statement that  
6 such final account has been filed, the time and place when it will  
7 be considered by the court, and a statement requiring the person or  
8 persons cited to appear and contest the same if they see proper.  
9 Such citation shall be issued by the county clerk to the persons and  
10 in the manner set out below.

11           1. Citation [~~In case of the estates of deceased~~  
12 ~~persons, notice~~] shall be given [~~by the personal representative~~] to  
13 each heir or beneficiary of the decedent by certified mail, return  
14 receipt requested, unless another method of service [~~type of~~  
15 ~~notice~~] is directed by the court by written order. The citation  
16 [~~notice~~] must include a copy of the account for final settlement.

17           2. If the court deems further additional notice  
18 necessary, it shall require the same by written order. In its  
19 discretion, the court may allow the waiver of citation [~~notice~~] of  
20 an account for final settlement in a proceeding concerning a  
21 decedent's estate.

22           SECTION 1.09. Sections 408(b), (c), and (d), Texas Probate  
23 Code, are amended to read as follows:

24           (b) Distribution of Remaining Property. Upon final  
25 settlement of an estate, if there be any of such estate remaining in  
26 the hands of the personal representative, the court shall order  
27 that a partition and distribution be made among the persons

1 entitled to receive such estate. The court shall order the  
2 representative to deposit in an account in the court's registry any  
3 remaining estate property that is money and to which a person who is  
4 unknown or missing is entitled. In addition, the court shall order  
5 the representative to sell, on terms the court determines are best,  
6 remaining estate property that is not money and to which a person  
7 who is unknown or missing is entitled. The court shall order the  
8 representative to deposit the sale proceeds in an account in the  
9 court's registry. The court shall hold money deposited in an  
10 account under this subsection until the court renders:

11 (1) an order requiring money in the account to be paid  
12 to the previously unknown or missing person who is entitled to the  
13 money; or

14 (2) another order regarding the disposition of the  
15 money.

16 (c) Discharge of Representative When No Property Remains.  
17 If, upon such settlement, there be none of the estate remaining in  
18 the hands of the representative, the representative [~~he~~] shall be  
19 discharged from the representative's [~~his~~] trust and the estate  
20 ordered closed.

21 (d) Discharge When Estate Fully Administered. Whenever the  
22 representative of an estate has fully administered the same in  
23 accordance with this code [~~Code~~] and the orders of the court, and  
24 the representative's [~~his~~] final account has been approved, and the  
25 representative [~~he~~] has delivered all of said estate remaining in  
26 the representative's [~~his~~] hands to the person or persons entitled  
27 to receive the same, it shall be the duty of the court to enter an

1 order discharging such representative from the representative's  
2 ~~[his]~~ trust, and declaring the estate closed.

3 SECTION 1.10. Section 427, Texas Probate Code, is amended  
4 to read as follows:

5 Sec. 427. WHEN ESTATES TO BE PAID INTO STATE TREASURY. If  
6 any person entitled to a portion of an estate, except a resident  
7 minor without a guardian, does ~~[shall]~~ not demand the person's  
8 ~~[his]~~ portion, including any portion deposited in an account in the  
9 court's registry under Section 408(b) of this code, from the  
10 executor or administrator within six months after an order of court  
11 approving the report of commissioners of partition, or within six  
12 months after the settlement of the final account of an executor or  
13 administrator, as the case may be, the court by written order shall  
14 require the executor or administrator to pay so much of said portion  
15 as is in money to the comptroller; and such portion as is in other  
16 property the court ~~[he]~~ shall order the executor or administrator  
17 to sell on such terms as the court thinks best, and, when the  
18 proceeds of such sale are collected, the court shall order the same  
19 to be paid to the comptroller, in all such cases allowing the  
20 executor or administrator reasonable compensation for the  
21 executor's or administrator's ~~[his]~~ services. A suit to recover  
22 proceeds of the sale is governed by Section 433 of this code ~~[Code]~~.

23 SECTION 1.11. Section 29, Texas Probate Code, is repealed.

24 SECTION 1.12. (a) Except as otherwise provided by this  
25 section, the changes in law made by this article apply to the estate  
26 of a decedent that is pending or commenced on or after September 1,  
27 2011, regardless of the date of the decedent's death.

1           (b) The changes in law made by this article to Section  
2 49(a), Texas Probate Code, apply only to an application for  
3 determination of heirship filed on or after September 1, 2011. An  
4 application for determination of heirship filed before that date is  
5 governed by the law in effect on the date the application was filed,  
6 and the former law is continued in effect for that purpose.

7           (c) The changes in law made by this article to Section 77,  
8 Texas Probate Code, apply only to an application for the grant of  
9 letters testamentary or of administration of a decedent's estate  
10 filed on or after September 1, 2011. An application for the grant  
11 of letters testamentary or of administration of a decedent's estate  
12 filed before that date is governed by the law in effect on the date  
13 the application was filed, and the former law is continued in effect  
14 for that purpose.

15           (d) The changes in law made by this article to Section  
16 83(a), Texas Probate Code, apply only to an application for the  
17 probate of a will or administration of the estate of a decedent that  
18 is pending or filed on or after September 1, 2011.

19                   ARTICLE 2. AMENDMENTS TO ESTATES CODE

20           SECTION 2.01. Section 53.104, Estates Code, as effective  
21 January 1, 2014, is amended to read as follows:

22           Sec. 53.104. APPOINTMENT OF ATTORNEYS AD LITEM. (a) Except  
23 as provided by Section 202.009(b), the judge of a probate court may  
24 appoint an attorney ad litem in any probate proceeding to represent  
25 the interests of:

26                   (1) a person who has a legal disability;

27                   (2) a nonresident;

1 (3) an unborn or unascertained person; [~~or~~]

2 (4) an unknown or missing heir; or

3 (5) an unknown or missing person entitled to property  
4 deposited in an account in the court's registry under Section  
5 362.011(b).

6 (b) Subject to Subsection (c), an [An] attorney ad litem  
7 appointed under this section is entitled to reasonable compensation  
8 for services provided in the amount set by the court. The court  
9 shall:

10 (1) tax the compensation[~~, to be taxed~~] as costs in the  
11 probate proceeding; or

12 (2) for an attorney ad litem appointed to represent  
13 the interests of an unknown or missing person described by  
14 Subsection (a)(5), order that the compensation be paid from money  
15 in the account described by that subdivision.

16 (c) The court order appointing an attorney ad litem to  
17 represent the interests of an unknown or missing person described  
18 by Subsection (a)(5) must require the attorney ad litem to conduct a  
19 search for the person. Compensation paid under Subsection (b) to  
20 the attorney ad litem may not exceed 10 percent of the amount on  
21 deposit in the account described by Subsection (a)(5) on the date:

22 (1) the attorney ad litem reports to the court the  
23 location of the previously unknown or missing person; or

24 (2) the money in the account is paid to the comptroller  
25 as provided by Section 551.001.

26 SECTION 2.02. Subchapter A, Chapter 202, Estates Code, as  
27 effective January 1, 2014, is amended by adding Section 202.0025 to

1 read as follows:

2 Sec. 202.0025. ACTION BROUGHT AFTER DECEDENT'S DEATH.  
3 Notwithstanding Section 16.051, Civil Practice and Remedies Code, a  
4 proceeding to declare heirship of a decedent may be brought at any  
5 time after the decedent's death.

6 SECTION 2.03. Section 202.004, Estates Code, as effective  
7 January 1, 2014, is amended to read as follows:

8 Sec. 202.004. PERSONS WHO MAY COMMENCE PROCEEDING TO  
9 DECLARE HEIRSHIP. A proceeding to declare heirship of a decedent  
10 may be commenced and maintained under a circumstance specified by  
11 Section 202.002 by:

12 (1) the personal representative of the decedent's  
13 estate;

14 (2) a person claiming to be a secured or unsecured  
15 creditor or the owner of all or part of the decedent's estate; or

16 (3) if the decedent was a ward with respect to whom a  
17 guardian of the estate had been appointed, the guardian of the  
18 estate, provided that the proceeding is commenced and maintained in  
19 the probate court in which the proceedings for the guardianship of  
20 the estate were pending at the time of the decedent's death.

21 SECTION 2.04. Section 256.101, Estates Code, as effective  
22 January 1, 2014, is amended to read as follows:

23 Sec. 256.101. PROCEDURE ON FILING OF SECOND APPLICATION  
24 WHEN ORIGINAL APPLICATION HAS NOT BEEN HEARD. (a) If, after an  
25 application for the probate of a decedent's will or the appointment  
26 of a personal representative for the decedent's estate has been  
27 filed but before the application is heard, an application is filed

1 for the probate of a will of the same decedent that has not  
2 previously been presented for probate, the court shall:

3 (1) hear both applications together; and

4 (2) determine:

5 (A) if both applications are for the probate of a  
6 will, which will should be admitted to probate, if either, or  
7 whether the decedent died intestate; or

8 (B) if only one application is for the probate of  
9 a will, whether the will should be admitted to probate or whether  
10 the decedent died intestate.

11 (b) The court may not sever or bifurcate the proceeding on  
12 the applications described in Subsection (a).

13 SECTION 2.05. Section 304.001(c), Estates Code, as  
14 effective January 1, 2014, is amended to read as follows:

15 (c) If persons [~~applicants for letters testamentary or of~~  
16 ~~administration~~] are equally entitled to letters testamentary or of  
17 administration [~~the letters~~], the court:

18 (1) shall grant the letters to the person [~~applicant~~]  
19 who, in the judgment of the court, is most likely to administer the  
20 estate advantageously; or

21 (2) may grant the letters to two or more of those  
22 persons [~~applicants~~].

23 SECTION 2.06. Subchapter B, Chapter 309, Estates Code, as  
24 effective January 1, 2014, is amended by adding Section 309.056 to  
25 read as follows:

26 Sec. 309.056. PENALTY FOR FAILURE TO TIMELY FILE INVENTORY,  
27 APPRAISEMENT, AND LIST OF CLAIMS. (a) This section applies only to

1 a personal representative, including an independent executor or  
2 administrator, who does not file an inventory, appraisalment, and  
3 list of claims within the period prescribed by Section 309.051 or  
4 any extension granted by the court.

5 (b) Any person interested in the estate on written  
6 complaint, or the court on the court's own motion, may have a  
7 personal representative to whom this section applies cited to file  
8 the inventory, appraisalment, and list of claims and show cause for  
9 the failure to timely file.

10 (c) If the personal representative does not file the  
11 inventory, appraisalment, and list of claims after being cited or  
12 does not show good cause for the failure to timely file, the court  
13 on hearing may fine the representative in an amount not to exceed  
14 \$1,000.

15 (d) The personal representative and the representative's  
16 sureties, if any, are liable for any fine imposed under this section  
17 and for all damages and costs sustained by the representative's  
18 failure. The fine, damages, and costs may be recovered in any court  
19 of competent jurisdiction.

20 SECTION 2.07. Section 362.005, Estates Code, as effective  
21 January 1, 2014, is amended to read as follows:

22 Sec. 362.005. CITATION AND NOTICE ON PRESENTATION OF  
23 ACCOUNT. (a) On the presentation of an account for final settlement  
24 by a temporary or permanent personal representative, the county  
25 clerk shall issue citation to the persons and in the manner provided  
26 by Subsection (b) [~~Subsections (c) and (d)~~].

27 (b) Citation issued under Subsection (a) must:



1           (1) contain:

2                   (A) [~~(1)~~] a statement that an account for final  
3 settlement has been presented;

4                   (B) [~~(2)~~] the time and place the court will  
5 consider the account; [~~and~~]

6                   (C) [~~(3)~~] a statement requiring the person cited  
7 to appear and contest the account, if the person wishes to contest  
8 the account; and

9                   (D) a copy of the account for final settlement;  
10 and

11           (2) be given[~~-~~

12           [~~(c) The personal representative shall give notice~~] to each  
13 heir or beneficiary of the decedent by certified mail, return  
14 receipt requested, unless the court by written order directs  
15 another method of service [~~type of notice~~] to be given[~~. The notice~~  
16 ~~must include a copy of the account for final settlement~~].

17           (c) [~~(d)~~] The court by written order shall require  
18 additional notice if the court considers the additional notice  
19 necessary.

20           (d) [~~(e)~~] The court may allow the waiver of citation  
21 [~~notice~~] of an account for final settlement in a proceeding  
22 concerning a decedent's estate.

23           SECTION 2.08. Section 362.011, Estates Code, as effective  
24 January 1, 2014, is amended to read as follows:

25           Sec. 362.011. PARTITION AND DISTRIBUTION OF ESTATE; DEPOSIT  
26 IN COURT'S REGISTRY. (a) If, on final settlement of an estate, any  
27 of the estate remains in the personal representative's possession,

1 the court shall order that a partition and distribution be made  
2 among the persons entitled to receive that part of the estate.

3 (b) The court shall order the personal representative to  
4 deposit in an account in the court's registry any remaining estate  
5 property that is money and to which a person who is unknown or  
6 missing is entitled. In addition, the court shall order the  
7 representative to sell, on terms the court determines are best,  
8 remaining estate property that is not money and to which a person  
9 who is unknown or missing is entitled. The court shall order the  
10 representative to deposit the sale proceeds in an account in the  
11 court's registry. The court shall hold money deposited in an  
12 account under this subsection until the court renders:

13 (1) an order requiring money in the account to be paid  
14 to the previously unknown or missing person who is entitled to the  
15 money; or

16 (2) another order regarding the disposition of the  
17 money.

18 SECTION 2.09. Section 551.001(a), Estates Code, as  
19 effective January 1, 2014, is amended to read as follows:

20 (a) The court, by written order, shall require the executor  
21 or administrator of an estate to pay to the comptroller as provided  
22 by this subchapter the share of that estate of a person entitled to  
23 that share who does not demand the share, including any portion  
24 deposited in an account in the court's registry under Section  
25 362.011(b), from the executor or administrator within six months  
26 after the date of, as applicable:

27 (1) a court order approving the report of the

1 commissioners of partition made under Section 360.154; or

2 (2) the settlement of the final account of the  
3 executor or administrator.

4 SECTION 2.10. The following are repealed:

5 (1) the changes in law made by Article 1 of this Act to  
6 Sections 34A, 49(a), 77, 83(a), 407, 408(b), (c), and (d), and 427,  
7 Texas Probate Code;

8 (2) Sections 48(d) and 254, Texas Probate Code, as  
9 added by Article 1 of this Act; and

10 (3) Section 351.002, Estates Code, as effective  
11 January 1, 2014.

12 SECTION 2.11. This article takes effect January 1, 2014.

13 ARTICLE 3. GENERAL EFFECTIVE DATE

14 SECTION 3.01. Except as otherwise provided by this Act,  
15 this Act takes effect September 1, 2011.