

By: Paxton

H.B. No. 3330

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the inventory and appraisal requirement of personal
3 representatives of decedents' estates pending in a statutory
4 probate court in Collin County.

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

6 SECTION 1. Section 25.0453, Government Code, is amended by
7 adding Subsections (g), (h), (i), (j), and (k) to read as follows:

8 (g) Notwithstanding Section 250, Texas Probate Code, the
9 judge of a statutory probate court may waive the requirement of the
10 personal representative of a decedent's estate to make and file an
11 inventory and appraisal of the estate:

12 (1) on proof that there are no unpaid debts owing by
13 the estate, excluding debts adequately secured by liens on the
14 property; and

15 (2) on receipt of the sworn written consent of:

16 (A) each beneficiary of the decedent's will and,
17 in the case of partial intestacy, each heir of the decedent; or

18 (B) each heir of the decedent, if the decedent
19 dies intestate.

20 (h) For purposes of Subsection (g)(1), proof that there are
21 no unpaid debts may be established by:

22 (1) an affidavit of the personal representative filed
23 with the court;

24 (2) the sworn testimony of the personal representative

1 before the court; or

2 (3) any other manner the judge may require.

3 (i) The judge of a statutory probate court who waives the
4 requirement of the filing of an inventory and appraisement under
5 Subsection (g) may reinstate that requirement at any time. A
6 beneficiary or heir who consents under Subsection (g)(2) may revoke
7 that consent at any time by serving notice of that intent on the
8 personal representative of the decedent's estate. The personal
9 representative shall then make and file an inventory and
10 appraisement in accordance with Section 250, Texas Probate Code,
11 not later than the 90th day after the date of receiving the notice.

12 (j) For purposes of Subsection (g)(2)(A), consent for the
13 waiver with respect to a beneficiary described by Section
14 128A(c)(1), (2), or (3), Texas Probate Code, may be given by the
15 person designated to receive notice for the beneficiary under that
16 subdivision.

17 (k) In this section:

18 (1) "Beneficiary" has the meaning assigned by Section
19 128A(a), Texas Probate Code.

20 (2) "Estate," "heirs," and "personal representative"
21 have the meanings assigned those terms by Section 3, Texas Probate
22 Code.

23 SECTION 2. Sections 25.0453(g)-(k), Government Code, as
24 added by this Act, apply only to the estate of a decedent who dies on
25 or after the effective date of this Act. The estate of a decedent
26 who dies before the effective date of this Act is governed by the
27 law in effect on the date of the decedent's death, and the former

1 law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2011.