

By: King of Parker

H.B. No. 789

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the allowance in lieu of exempt property in the
3 administration of a decedent's estate.

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

5 ARTICLE 1. CHANGES TO TEXAS PROBATE CODE

6 SECTION 1.01. Section 273, Texas Probate Code, is amended
7 to read as follows:

8 Sec. 273. ALLOWANCE IN LIEU OF EXEMPT PROPERTY. In case
9 there should not be among the effects of the deceased all or any of
10 the specific articles exempted from execution or forced sale by the
11 Constitution and laws of this state, the court shall make a
12 reasonable allowance in lieu thereof, to be paid to such surviving
13 spouse and children, or such of them as there are, as hereinafter
14 provided. The allowance in lieu of a homestead shall in no case
15 exceed \$45,000 [~~\$15,000~~] and the allowance for other exempted
16 property shall in no case exceed \$30,000 [~~\$5,000~~], exclusive of the
17 allowance for the support of the surviving spouse, minor children,
18 and adult incapacitated children which is hereinafter provided for.

19 SECTION 1.02. The changes in law made by this article to
20 Section 273, Texas Probate Code, apply only to the estate of a
21 decedent who dies on or after the effective date of this Act. The
22 estate of a decedent who dies before the effective date of this Act
23 is governed by the law in effect on the date of the decedent's
24 death, and the former law is continued in effect for that purpose.

1 ARTICLE 2. CHANGES TO ESTATES CODE

2 SECTION 2.01. Section 353.053(b), Estates Code, as
3 effective January 1, 2014, is amended to read as follows:

4 (b) The allowance in lieu of a homestead may not exceed
5 \$45,000 [~~\$15,000~~], and the allowance in lieu of other exempt
6 property may not exceed \$30,000 [~~\$5,000~~], excluding the family
7 allowance for the support of the surviving spouse, minor children,
8 and adult incapacitated children provided by Subchapter C.

9 SECTION 2.02. Section 273, Texas Probate Code, as amended
10 by Article 1 of this Act, is repealed.

11 SECTION 2.03. This article takes effect January 1, 2014.

12 ARTICLE 3. EFFECTIVE DATE

13 SECTION 3.01. Except as otherwise provided by this Act,
14 this Act takes effect September 1, 2013.