

By: King of Parker

H.B. No. 789

A BILL TO BE ENTITLED

AN ACT

relating to the allowance in lieu of exempt property in the administration of a decedent's estate.

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

ARTICLE 1. CHANGES TO TEXAS PROBATE CODE

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

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

SECTION 1.02. The changes in law made by this article to Section 273, Texas Probate Code, apply only to the estate of a decedent who dies on or after the effective date of this Act. The estate of a decedent who dies before the effective date of this Act is governed by the law in effect on the date of the decedent's 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10 by Article 1 of this Act, is repealed.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.