

By: Naishtat

H.B. No. 3136

A BILL TO BE ENTITLED

AN ACT

relating to the use of a small estate affidavit to distribute certain intestate estates.

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

SECTION 1. Section 205.002, Estates Code, is amended to read as follows:

Sec. 205.002. AFFIDAVIT REQUIREMENTS. (a) An affidavit filed under Section 205.001 must:

(1) be sworn to by:

(A) two disinterested witnesses;

(B) each distributee of the estate who has legal capacity; and

(C) if warranted by the facts, the natural guardian or next of kin of any minor distributee or the guardian of any other incapacitated distributee;

(2) show the existence of the conditions prescribed by Sections 205.001(1), (2), and (3); and

(3) include:

(A) a list of all known estate assets and liabilities;

(B) the name and address of each distributee; and

(C) the relevant family history facts concerning heirship that show each distributee's right to receive estate money or other property or to have any evidence of money, property, or

1 other right of the estate as is determined to exist transferred to  
2 the distributee as an heir or assignee.

3 (b) A list of all known estate assets under Subsection  
4 (a)(3)(A) must indicate which assets the applicant claims are  
5 exempt.

6 SECTION 2. Chapter 205, Estates Code, is amended by adding  
7 Section 205.009 to read as follows:

8 Sec. 205.009. CONSTRUCTION OF CERTAIN REFERENCES. A  
9 reference in this chapter to "homestead" or "exempt property" means  
10 only a homestead or other exempt property that would be eligible to  
11 be set aside under Section 353.051 if the decedent's estate was  
12 being administered.

13 SECTION 3. Section 205.009, Estates Code, as added by this  
14 Act, applies to the estate of a decedent that is pending on or after  
15 the effective date of this Act, regardless of the decedent's date of  
16 death.

17 SECTION 4. This Act takes effect September 1, 2015.