

AN ACT

relating to a penalty for independent executors who misrepresent in an affidavit in lieu of the inventory, appraisement, and list of claims that certain beneficiaries received the inventory and appraisement.

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

SECTION 1. Subchapter B, Chapter 309, Estates Code, is amended by adding Section 309.0575 to read as follows:

Sec. 309.0575. PENALTY FOR MISREPRESENTATION IN AFFIDAVIT IN LIEU OF INVENTORY, APPRAISEMENT, AND LIST OF CLAIMS. (a) The court, on its own motion or on motion of any person interested in the estate, and after an independent executor has been cited to answer at a time and place fixed in the notice, may fine an independent executor in an amount not to exceed \$1,000 if the court finds that the executor misrepresented in an affidavit in lieu of the inventory, appraisement, and list of claims filed by the executor that all beneficiaries, other than those described by Section 309.056(b-1), received a verified, full, and detailed inventory and appraisement as required by Section 309.056(b).

(b) The independent executor and the executor's sureties, if any, are liable for any fine imposed under this section and for all damages and costs sustained by the executor's misrepresentation. The fine, damages, and costs may be recovered in any court of competent jurisdiction.

1 SECTION 2. Section 309.0575, Estates Code, as added by this
2 Act, applies only to the estate of a decedent who dies on or after
3 the effective date of this Act. The estate of a decedent who dies
4 before the effective date of this Act is governed by the law in
5 effect on the date of the decedent's death, and the former law is
6 continued in effect for that purpose.

7 SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 1877 was passed by the House on May 6, 2017, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1877 was passed by the Senate on May 22, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor