

By: Murr

H.B. No. 1877

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a penalty for independent executors who misrepresent in
3 an affidavit in lieu of the inventory, appraisement, and list of
4 claims that certain beneficiaries received the inventory and
5 appraisement.

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

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

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

20 (b) The independent executor and the executor's sureties,
21 if any, are liable for any fine imposed under this section and for
22 all damages and costs sustained by the executor's
23 misrepresentation. The fine, damages, and costs may be recovered
24 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.