

1-1 By: Wray (Senate Sponsor - Rodríguez) H.B. No. 2782
1-2 (In the Senate - Received from the House May 13, 2019;
1-3 May 13, 2019, read first time and referred to Committee on State
1-4 Affairs; May 19, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2782 By: Zaffirini

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to decedents' estates, transfer on death deeds, and
1-22 matters involving probate courts.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 31.001, Estates Code, is amended to read
1-25 as follows:

1-26 Sec. 31.001. SCOPE OF "PROBATE PROCEEDING" FOR PURPOSES OF
1-27 CODE. The term "probate proceeding," as used in this code,
1-28 includes:

1-29 (1) the probate of a will, with or without
1-30 administration of the estate;

1-31 (2) the issuance of letters testamentary and of
1-32 administration;

1-33 (3) an heirship determination or small estate
1-34 affidavit, community property administration, and homestead and
1-35 family allowances;

1-36 (4) an application, petition, motion, or action
1-37 regarding the probate of a will or an estate administration,
1-38 including a claim for money owed by the decedent;

1-39 (5) a claim arising from an estate administration and
1-40 any action brought on the claim;

1-41 (6) the settling of a personal representative's
1-42 account of an estate and any other matter related to the settlement,
1-43 partition, or distribution of an estate; ~~and~~

1-44 (7) a will construction suit; and

1-45 (8) a will modification or reformation proceeding
1-46 under Subchapter J, Chapter 255.

1-47 SECTION 2. Chapter 111, Estates Code, is amended by adding
1-48 Subchapter C to read as follows:

1-49 SUBCHAPTER C. PROVISION OF CERTAIN INFORMATION ON DEATH

1-50 Sec. 111.101. DEFINITIONS. In this subchapter:

1-51 (1) "Contracting third party" has the meaning assigned
1-52 by Section 111.051.

1-53 (2) "Deceased party" means a deceased:

1-54 (A) party to a multiple-party account governed by
1-55 Chapter 113;

1-56 (B) owner of property subject to a possible
1-57 nontestamentary transfer as described by Section 111.051(1); or

1-58 (C) insured under an insurance contract.

1-59 Sec. 111.102. PROVISION OF INFORMATION TO PERSONAL
1-60 REPRESENTATIVE OF DECEASED PARTY. To the extent not prohibited by

2-1 federal or other state law, a contracting third party shall, on
2-2 request, provide to the personal representative of a deceased
2-3 party's estate all information the contracting third party would
2-4 have provided to the deceased party as of the date of the deceased
2-5 party's death, if the deceased party had requested the information,
2-6 without regard to whether the deceased party's estate has an
2-7 interest in the multiple-party account, the property subject to a
2-8 possible nontestamentary transfer, or the insurance contract.

2-9 SECTION 3. Section 113.252(c), Estates Code, is amended to
2-10 read as follows:

2-11 (c) Any proceeding by the personal representative of a
2-12 deceased party to assert liability under Subsection (b):

2-13 (1) may be commenced only if the personal
2-14 representative receives a written demand by a surviving spouse, a
2-15 creditor, or a person acting on behalf of a minor child of the
2-16 deceased party; and

2-17 (2) must be commenced on or before the second
2-18 anniversary of the death of the deceased party.

2-19 SECTION 4. Section 114.102, Estates Code, is amended to
2-20 read as follows:

2-21 Sec. 114.102. EFFECT OF SUBSEQUENT CONVEYANCE ON TRANSFER
2-22 ON DEATH DEED. An otherwise valid transfer on death deed is void as
2-23 to a subsequent grantee of an ~~any~~ interest in real property that
2-24 is conveyed by the transferor during the transferor's lifetime
2-25 after the transfer on death deed is executed and recorded if:

2-26 (1) a valid instrument conveying the interest or a
2-27 memorandum sufficient to give notice of the conveyance of the
2-28 interest is recorded in the deed records in the county clerk's
2-29 office of the same county in which the transfer on death deed is
2-30 recorded; and

2-31 (2) the recording of the instrument or memorandum
2-32 occurs before the transferor's death.

2-33 SECTION 5. Section 201.003(c), Estates Code, is amended to
2-34 read as follows:

2-35 (c) If the deceased spouse is survived by a child or other
2-36 descendant who is not also a child or other descendant of the
2-37 surviving spouse, the deceased spouse's undivided one-half
2-38 interest in the community estate ~~[one-half of the community estate
2-39 is retained by the surviving spouse and the other one-half]~~ passes
2-40 to the deceased spouse's children or other descendants. The
2-41 descendants inherit only the portion of that estate to which they
2-42 would be entitled under Section 201.101. In every case, the
2-43 community estate passes charged with the debts against the
2-44 community estate.

2-45 SECTION 6. Section 202.151, Estates Code, is amended by
2-46 amending Subsection (b) and adding Subsection (c) to read as
2-47 follows:

2-48 (b) Except as provided by Subsection (c), ~~[Testimony]~~ in a
2-49 proceeding to declare heirship, testimony regarding a decedent's
2-50 heirs and family history must be taken from two disinterested and
2-51 credible witnesses in open court, by deposition in accordance with
2-52 Section 51.203, or in accordance with the Texas Rules of Civil
2-53 Procedure.

2-54 (c) If it is shown to the court's satisfaction in a
2-55 proceeding to declare heirship that, after a diligent search was
2-56 made, only one disinterested and credible witness can be found who
2-57 can make the required proof in the proceeding, the testimony of that
2-58 witness must be taken in open court, by deposition in accordance
2-59 with Section 51.203, or in accordance with the Texas Rules of Civil
2-60 Procedure.

2-61 SECTION 7. The heading to Chapter 254, Estates Code, is
2-62 amended to read as follows:

2-63 CHAPTER 254. ~~[VALIDITY OF]~~ CERTAIN PROVISIONS IN, AND CONTRACTS
2-64 RELATING TO, WILLS

2-65 SECTION 8. Chapter 254, Estates Code, is amended by adding
2-66 Section 254.006 to read as follows:

2-67 Sec. 254.006. DESIGNATION OF ADMINISTRATOR. (a) A
2-68 testator may grant in a will to an executor named in the will or to
2-69 another person identified by name, office, or function the

3-1 authority to designate one or more persons to serve as
 3-2 administrator of the testator's estate.

3-3 (b) To be effective, a designation of an administrator of a
 3-4 testator's estate as authorized by a will under Subsection (a) must
 3-5 be in writing and acknowledged before an officer authorized to take
 3-6 acknowledgments and administer oaths.

3-7 (c) Unless the will provides otherwise, a person designated
 3-8 to serve as administrator of a testator's estate as provided by
 3-9 Subsection (a) may serve only if:

3-10 (1) each executor named in the testator's will:

3-11 (A) is deceased;

3-12 (B) is disqualified to serve as executor; or

3-13 (C) indicates by affidavit filed with the county
 3-14 clerk of the county in which the application for letters
 3-15 testamentary is filed or, if an application has not been filed, a
 3-16 county described by Section 33.001(a)(1) or (2) the executor's
 3-17 inability or unwillingness to serve as executor;

3-18 (2) the designation is effective as provided by
 3-19 Subsection (b); and

3-20 (3) the person is not disqualified from serving under
 3-21 Section 304.003.

3-22 (d) Unless the will or designation provides otherwise, a
 3-23 person designated as administrator of a testator's estate as
 3-24 provided by this section has the same rights, powers, and duties as
 3-25 an executor named in the will, including the right to serve as an
 3-26 independent administrator with the power to sell property without
 3-27 the need for consent of the distributees under Section 401.002 or
 3-28 401.006.

3-29 SECTION 9. Section 255.152, Estates Code, is amended by
 3-30 adding Subsection (d) to read as follows:

3-31 (d) Unless the will provides otherwise, Subsections (a),
 3-32 (b), and (c) do not apply to a devise to a charitable trust, as
 3-33 defined by Section 123.001, Property Code.

3-34 SECTION 10. Subchapter J, Chapter 255, Estates Code, is
 3-35 amended by adding Section 255.456 to read as follows:

3-36 Sec. 255.456. JURISDICTION AND TRANSFER OF PROCEEDING. (a)
 3-37 To the extent that this section conflicts with other provisions of
 3-38 this title, this section prevails.

3-39 (b) In a county in which there is no statutory probate court
 3-40 or county court at law exercising original probate jurisdiction, if
 3-41 a personal representative petitions the county court to modify or
 3-42 reform the terms of a will, the judge of the county court may, on the
 3-43 judge's own motion, or shall, on the motion of any party to the
 3-44 proceeding, according to the motion:

3-45 (1) request the assignment of a statutory probate
 3-46 court judge to hear the proceeding, as provided by Section 25.0022,
 3-47 Government Code; or

3-48 (2) transfer the proceeding to the district court,
 3-49 which may then hear the proceeding as if originally filed in the
 3-50 district court.

3-51 (c) A district court to which a proceeding is transferred
 3-52 under Subsection (b) has the jurisdiction and authority granted to
 3-53 a statutory probate court by Subtitle A.

3-54 (d) If a party to a modification or reformation proceeding
 3-55 files a motion for the assignment of a statutory probate court judge
 3-56 to hear the proceeding before the judge of the county court
 3-57 transfers the proceeding to a district court under this section,
 3-58 the county judge shall grant the motion for the assignment of a
 3-59 statutory probate court judge and may not transfer the proceeding
 3-60 to the district court unless the party withdraws the motion.

3-61 (e) A statutory probate court judge assigned to a proceeding
 3-62 under this section has the jurisdiction and authority granted to a
 3-63 statutory probate court by Subtitle A.

3-64 (f) In a county in which there is no statutory probate
 3-65 court, but in which there is a county court at law exercising
 3-66 original probate jurisdiction, if a personal representative
 3-67 petitions the county court to modify or reform the terms of a will,
 3-68 the judge of the county court may, on the judge's own motion, or
 3-69 shall, on the motion of any party to the proceeding, transfer the

4-1 proceeding to the county court at law, which may then hear the
4-2 proceeding as if originally filed in the county court at law.

4-3 (g) The county court shall continue to exercise
4-4 jurisdiction over the management of the estate, other than the
4-5 modification or reformation proceeding, until final disposition of
4-6 the modification or reformation proceeding is made in accordance
4-7 with this subchapter.

4-8 (h) On resolution of the modification or reformation
4-9 proceeding, the statutory probate court judge assigned to hear the
4-10 proceeding or the district court or county court at law to which the
4-11 proceeding is transferred under this section shall return the
4-12 matter to the county court for further proceedings not inconsistent
4-13 with the orders of the statutory probate court, district court, or
4-14 county court at law, as applicable.

4-15 (i) The clerk of a district court to which a modification or
4-16 reformation proceeding is transferred under this section may
4-17 perform in relation to the proceeding any function a county clerk
4-18 may perform with respect to that type of matter.

4-19 SECTION 11. Section 256.051(a), Estates Code, is amended to
4-20 read as follows:

4-21 (a) An executor named in a will, an administrator designated
4-22 as authorized under Section 254.006, an independent administrator
4-23 designated by all of the distributees of the decedent under Section
4-24 401.002(b), or an interested person may file an application with
4-25 the court for an order admitting a will to probate, whether the will
4-26 is:

- 4-27 (1) ~~written or unwritten,~~
- 4-28 ~~[(2)]~~ in the applicant's possession or not;
- 4-29 (2) ~~[(3)]~~ lost;
- 4-30 (3) ~~[(4)]~~ destroyed; or
- 4-31 (4) ~~[(5)]~~ outside of this state.

4-32 SECTION 12. Section 256.052(a), Estates Code, is amended to
4-33 read as follows:

4-34 (a) An application for the probate of a will must state and
4-35 aver the following to the extent each is known to the applicant or
4-36 can, with reasonable diligence, be ascertained by the applicant:

- 4-37 (1) each applicant's name and domicile;
- 4-38 (1-a) the last three numbers of each applicant's
4-39 driver's license number and social security number, if the
4-40 applicant has been issued one [applicable];
- 4-41 (2) the testator's name, domicile, and, if known, age,
4-42 on the date of the testator's death;
- 4-43 (2-a) the last three numbers of the testator's
4-44 driver's license number and social security number;
- 4-45 (3) the fact, date, and place of the testator's death;
- 4-46 (4) facts showing that the court with which the
4-47 application is filed has venue;
- 4-48 (5) that the testator owned property, including a
4-49 statement generally describing the property and the property's
4-50 probable value;
- 4-51 (6) the date of the will;
- 4-52 (7) the name, state of residence, and physical address
4-53 where service can be had of the executor named in the will or other
4-54 person to whom the applicant desires that letters be issued;
- 4-55 (8) the name of each subscribing witness to the will,
4-56 if any;
- 4-57 (9) whether one or more children born to or adopted by
4-58 the testator after the testator executed the will survived the
4-59 testator and, if so, the name of each of those children;
- 4-60 (10) whether a marriage of the testator was ever
4-61 dissolved after the will was made and, if so, when and from whom;
- 4-62 (11) whether the state, a governmental agency of the
4-63 state, or a charitable organization is named in the will as a
4-64 devisee; and
- 4-65 (12) that the executor named in the will, the
4-66 applicant, or another person to whom the applicant desires that
4-67 letters be issued is not disqualified by law from accepting the
4-68 letters.

4-69 SECTION 13. Section 256.053(b), Estates Code, is amended to

5-1 read as follows:

5-2 (b) A will filed under Subsection (a) must remain in the
5-3 custody of the county clerk unless removed from the clerk's
5-4 custody:

- 5-5 (1) by a court order under Section 256.202; or
- 5-6 (2) by a court order issued under Subchapter C,
5-7 Chapter 33, in which case the clerk shall deliver the will directly
5-8 to the clerk of the court to which the probate proceeding is
5-9 transferred.

5-10 SECTION 14. Section 256.202, Estates Code, is amended to
5-11 read as follows:

5-12 Sec. 256.202. CUSTODY OF PROBATED WILL. An original will
5-13 and the probate of the will shall be deposited in the office of the
5-14 county clerk of the county in which the will was probated. The will
5-15 and probate of the will shall remain in that office except during a
5-16 time the will and the probate of the will are removed for inspection
5-17 to another place on an order of the court where the will was
5-18 probated. If that court orders the original will to be removed to
5-19 another place for inspection:

- 5-20 (1) the person removing the will shall give a receipt
5-21 for the will; ~~and~~
- 5-22 (2) the court clerk shall make and retain a copy of the
5-23 will; and
- 5-24 (3) the will shall be delivered back to the office of
5-25 the county clerk of the county in which the will was probated after
5-26 the inspection is completed.

5-27 SECTION 15. Section 257.051(a), Estates Code, is amended to
5-28 read as follows:

5-29 (a) An application for the probate of a will as a muniment of
5-30 title must state and aver the following to the extent each is known
5-31 to the applicant or can, with reasonable diligence, be ascertained
5-32 by the applicant:

- 5-33 (1) each applicant's name and domicile;
- 5-34 (1-a) the last three numbers of each applicant's
5-35 driver's license number and social security number, if the
5-36 applicant has been issued one [applicable];
- 5-37 (2) the testator's name, domicile, and, if known, age,
5-38 on the date of the testator's death;
- 5-39 (2-a) the last three numbers of the testator's
5-40 driver's license number and social security number;
- 5-41 (3) the fact, date, and place of the testator's death;
- 5-42 (4) facts showing that the court with which the
5-43 application is filed has venue;
- 5-44 (5) that the testator owned property, including a
5-45 statement generally describing the property and the property's
5-46 probable value;
- 5-47 (6) the date of the will;
- 5-48 (7) the name, state of residence, and physical address
5-49 where service can be had of the executor named in the will;
- 5-50 (8) the name of each subscribing witness to the will,
5-51 if any;
- 5-52 (9) whether one or more children born to or adopted by
5-53 the testator after the testator executed the will survived the
5-54 testator and, if so, the name of each of those children;
- 5-55 (10) that the testator's estate does not owe an unpaid
5-56 debt, other than any debt secured by a lien on real estate, or that
5-57 for another reason there is no necessity for administration of the
5-58 estate;
- 5-59 (11) whether a marriage of the testator was ever
5-60 dissolved after the will was made and, if so, when and from whom;
5-61 and
- 5-62 (12) whether the state, a governmental agency of the
5-63 state, or a charitable organization is named in the will as a
5-64 devisee.

5-65 SECTION 16. Chapter 257, Estates Code, is amended by adding
5-66 Subchapter D to read as follows:

5-67 SUBCHAPTER D. SUBSEQUENT ESTATE ADMINISTRATION
5-68 Sec. 257.151. APPOINTMENT OF PERSONAL REPRESENTATIVE AND
5-69 OPENING OF ADMINISTRATION AFTER WILL ADMITTED TO PROBATE AS

6-1 MUNIMENT OF TITLE. A court order admitting a will to probate as a
 6-2 muniment of title under this chapter does not preclude the
 6-3 subsequent appointment of a personal representative and opening of
 6-4 an administration for the testator's estate if:

6-5 (1) an application under Chapter 301 is filed not
 6-6 later than the fourth anniversary of the testator's death; or

6-7 (2) the administration of the testator's estate is
 6-8 necessary for a reason provided by Section 301.002(b).

6-9 Sec. 257.152. COMPUTATION OF CERTAIN PERIODS. If a
 6-10 personal representative is appointed for a testator's estate after
 6-11 the testator's will has been admitted to probate as a muniment of
 6-12 title, the periods prescribed by the following sections begin to
 6-13 run from the date of qualification of the personal representative
 6-14 rather than from the date the will is admitted to probate as a
 6-15 muniment of title:

6-16 (1) Section 306.001;

6-17 (2) Section 306.002(a)(2)(B)(ii);

6-18 (3) Section 308.002; and

6-19 (4) Section 308.004.

6-20 SECTION 17. Section 301.051, Estates Code, is amended to
 6-21 read as follows:

6-22 Sec. 301.051. ELIGIBLE APPLICANTS FOR LETTERS. An
 6-23 executor named in a will, an administrator designated as authorized
 6-24 under Section 254.006, an independent administrator designated by
 6-25 all of the distributees of the decedent under Section 401.002(b) or
 6-26 401.003, or an interested person may file an application with the
 6-27 court for:

6-28 (1) the appointment of the executor named in the will;

6-29 (1-a) the appointment of the designated
 6-30 administrator; or

6-31 (2) the appointment of an administrator, if:

6-32 (A) there is a will, but:

6-33 (i) no executor is named in the will; [~~or~~]

6-34 (ii) the executor named in the will is
 6-35 disqualified, refuses to serve, is dead, or resigns;

6-36 (iii) a person designated to serve as
 6-37 administrator under Section 254.006 is disqualified, refuses to
 6-38 serve, is dead, or resigns; or

6-39 (iv) an authorized person other than the
 6-40 executor has not designated any person to serve as administrator
 6-41 under Section 254.006 as of the date of the filing of the
 6-42 application and the applicant notifies the court that the
 6-43 authorized person has no intention of doing so; or

6-44 (B) there is no will.

6-45 SECTION 18. Section 301.052(a), Estates Code, is amended to
 6-46 read as follows:

6-47 (a) An application for letters of administration when no
 6-48 will is alleged to exist must state:

6-49 (1) the applicant's name, domicile, and, if any,
 6-50 relationship to the decedent;

6-51 (1-a) the last three numbers of:

6-52 (A) the applicant's driver's license number, if
 6-53 the applicant has been issued one [~~applicable~~]; and

6-54 (B) the applicant's social security number, if
 6-55 the applicant has been issued one [~~applicable~~];

6-56 (2) the decedent's name and that the decedent died
 6-57 intestate;

6-58 (2-a) if known by the applicant at the time the
 6-59 applicant files the application, the last three numbers of the
 6-60 decedent's driver's license number and social security number;

6-61 (3) the fact, date, and place of the decedent's death;

6-62 (4) facts necessary to show that the court with which
 6-63 the application is filed has venue;

6-64 (5) whether the decedent owned property and, if so,
 6-65 include a statement of the property's probable value;

6-66 (6) the name and address, if known, whether the heir is
 6-67 an adult or minor, and the relationship to the decedent of each of
 6-68 the decedent's heirs;

6-69 (7) if known by the applicant at the time the applicant

7-1 files the application, whether one or more children were born to or
7-2 adopted by the decedent and, if so, the name, birth date, and place
7-3 of birth of each child;

7-4 (8) if known by the applicant at the time the applicant
7-5 files the application, whether the decedent was ever divorced and,
7-6 if so, when and from whom;

7-7 (9) that a necessity exists for administration of the
7-8 decedent's estate and an allegation of the facts that show that
7-9 necessity; and

7-10 (10) that the applicant is not disqualified by law
7-11 from acting as administrator.

7-12 SECTION 19. Section 301.151, Estates Code, as amended by
7-13 Chapters 576 (H.B. 3160) and 949 (S.B. 995), Acts of the 84th
7-14 Legislature, Regular Session, 2015, is reenacted and amended to
7-15 read as follows:

7-16 Sec. 301.151. GENERAL PROOF REQUIREMENTS. An applicant
7-17 for the issuance of letters testamentary or of administration of an
7-18 estate must prove to the court's satisfaction that:

7-19 (1) the person whose estate is the subject of the
7-20 application is dead;

7-21 (2) except as provided by Sections 301.002(b)(1) and
7-22 (2) [~~Section 301.002(b)~~] with respect to administration necessary
7-23 to receive or recover property or to prevent real property of the
7-24 estate from becoming a danger [~~due a decedent's estate~~], and
7-25 Section 501.006 with respect to a foreign will, [~~except as provided~~
7-26 ~~by Section 301.002(b)(2)~~], four years have not elapsed since the
7-27 date of the decedent's death and before the application;

7-28 (3) the court has jurisdiction and venue over the
7-29 estate;

7-30 (4) citation has been served and returned in the
7-31 manner and for the period required by this title; and

7-32 (5) the person for whom letters testamentary or of
7-33 administration are sought is entitled by law to the letters and is
7-34 not disqualified.

7-35 SECTION 20. Section 304.001(a), Estates Code, is amended to
7-36 read as follows:

7-37 (a) The court shall grant letters testamentary or of
7-38 administration to persons qualified to act, in the following order:

7-39 (1) the person named as executor in the decedent's
7-40 will;

7-41 (1-a) the person designated as administrator as
7-42 authorized under Section 254.006;

7-43 (2) the decedent's surviving spouse;

7-44 (3) the principal devisee of the decedent;

7-45 (4) any devisee of the decedent;

7-46 (5) the next of kin of the decedent;

7-47 (6) a creditor of the decedent;

7-48 (7) any person of good character residing in the
7-49 county who applies for the letters;

7-50 (8) any other person who is not disqualified under
7-51 Section 304.003; and

7-52 (9) any appointed public probate administrator.

7-53 SECTION 21. Section 309.056, Estates Code, is amended by
7-54 adding Subsection (e) to read as follows:

7-55 (e) Any extension granted by a court of the period in which
7-56 to file an inventory, appraisal, and list of claims prescribed
7-57 by Section 309.051 is considered an extension of the filing period
7-58 for an affidavit under this section.

7-59 SECTION 22. Subchapter C, Chapter 351, Estates Code, is
7-60 amended by adding Section 351.106 to read as follows:

7-61 Sec. 351.106. DIGITAL ASSETS. A personal representative
7-62 of a decedent's estate may apply for and obtain a court order,
7-63 either at the time the personal representative is appointed or at
7-64 any time before the administration of the estate is closed, that:

7-65 (1) directs disclosure of the content of electronic
7-66 communications of the decedent to the personal representative as
7-67 provided by Section 2001.101 and that contains any court finding
7-68 described by Section 2001.101(b)(3);

7-69 (2) with respect to a catalog of electronic

8-1 communications sent or received by the decedent and other digital
 8-2 assets of the decedent, other than the content of an electronic
 8-3 communication, contains any court finding described by Section
 8-4 2001.102(b)(4); or

8-5 (3) directs under Section 2001.231 a custodian to
 8-6 comply with a request to disclose digital assets under Chapter
 8-7 2001.

8-8 SECTION 23. Sections 351.152(a) and (b), Estates Code, are
 8-9 amended to read as follows:

8-10 (a) A [Except as provided by Subsection (b) and subject only
 8-11 to the approval of the court in which the estate is being
 8-12 administered, a] personal representative may, without court
 8-13 approval, convey or enter into a contract to convey for attorney
 8-14 services a contingent interest in any property sought to be
 8-15 recovered, not to exceed a one-third interest in the property.

8-16 (b) A personal representative, including an independent
 8-17 executor or independent administrator, may convey or enter into a
 8-18 contract to convey for attorney services a contingent interest in
 8-19 any property sought to be recovered under this subchapter in an
 8-20 amount that exceeds a one-third interest in the property only on the
 8-21 approval of the court in which the estate is being administered.
 8-22 The court must approve a contract [entered into] or conveyance
 8-23 described by [made under] this subsection [section] before an
 8-24 attorney performs any legal services. A contract entered into or a
 8-25 conveyance made in violation of this subsection [section] is void
 8-26 unless the court ratifies or reforms the contract or documents
 8-27 relating to the conveyance to the extent necessary to make the
 8-28 contract or conveyance meet the requirements of this subsection
 8-29 [section].

8-30 SECTION 24. The heading to Section 352.052, Estates Code,
 8-31 is amended to read as follows:

8-32 Sec. 352.052. ALLOWANCE FOR DEFENSE OR SUCCESSFUL CONTEST
 8-33 OF WILL.

8-34 SECTION 25. Section 352.052, Estates Code, is amended by
 8-35 adding Subsection (c) to read as follows:

8-36 (c) In this subsection, "interested person" does not
 8-37 include a creditor or any other having a claim against the estate.
 8-38 An interested person who, in good faith and with just cause,
 8-39 successfully prosecutes a proceeding to contest the validity of a
 8-40 will or alleged will offered for or admitted to probate may be
 8-41 allowed out of the estate the person's necessary expenses and
 8-42 disbursements in that proceeding, including reasonable attorney's
 8-43 fees.

8-44 SECTION 26. Sections 355.102(b) and (c), Estates Code, are
 8-45 amended to read as follows:

8-46 (b) Class 1 claims are composed of funeral expenses and
 8-47 expenses of the decedent's last illness, including claims for
 8-48 reimbursement of those expenses, for a reasonable amount approved
 8-49 by the court, not to exceed [a total of] \$15,000 for funeral
 8-50 expenses and \$15,000 for expenses of the decedent's last
 8-51 illness. Any excess shall be classified and paid as other
 8-52 unsecured claims.

8-53 (c) Class 2 claims are composed of:

8-54 (1) expenses of administration;
 8-55 (2) [,] expenses incurred in preserving, safekeeping,
 8-56 and managing the estate, including fees and expenses awarded under
 8-57 Section 352.052;

8-58 (3) [, and] unpaid expenses of administration awarded
 8-59 in a guardianship of the decedent; and

8-60 (4) for an estate with respect to which a public
 8-61 probate administrator has taken any action under Chapter 455, court
 8-62 costs and commissions to which the administrator is entitled under
 8-63 Subchapter A, Chapter 352.

8-64 SECTION 27. Section 355.103, Estates Code, is amended to
 8-65 read as follows:

8-66 Sec. 355.103. PRIORITY OF CERTAIN PAYMENTS. When a
 8-67 personal representative has estate funds in the representative's
 8-68 possession, the representative shall pay in the following order:

8-69 (1) funeral expenses in an amount not to exceed

9-1 \$15,000 and expenses of the decedent's last illness~~[7]~~ in an amount
9-2 not to exceed \$15,000;

9-3 (2) allowances made to the decedent's surviving spouse
9-4 and children, or to either the surviving spouse or children;

9-5 (3) expenses of administration and expenses incurred
9-6 in preserving, safekeeping, and managing the estate; and

9-7 (4) other claims against the estate in the order of the
9-8 claims' classifications.

9-9 SECTION 28. Sections 355.1551(a) and (b), Estates Code, are
9-10 amended to read as follows:

9-11 (a) A ~~[claim]~~ holder of a claim allowed and approved under
9-12 Section 355.151(a)(2) who elects to take possession or sell the
9-13 property securing the debt before final maturity in satisfaction of
9-14 the ~~[claim]~~ holder's claim must do so within a reasonable time, as
9-15 determined by the court.

9-16 (b) If the claim holder fails to take possession or sell
9-17 secured property within the [a reasonable] time determined by the
9-18 court under Subsection (a), on application by the personal
9-19 representative, the court may require the sale of the property free
9-20 of the lien and apply the proceeds to the payment of the whole debt
9-21 in full satisfaction of the claim.

9-22 SECTION 29. Sections 356.105(a) and (b), Estates Code, are
9-23 amended to read as follows:

9-24 (a) A sale of estate personal property shall be reported to
9-25 the court. The laws regulating the approval ~~[confirmation]~~ or
9-26 disapproval of a sale of real estate apply to the sale, except that
9-27 a conveyance is not required.

9-28 (b) The court's order approving ~~[confirming]~~ the sale of
9-29 estate personal property:

9-30 (1) vests the right and title of the intestate's estate
9-31 in the purchaser who has complied with the terms of the sale; and

9-32 (2) is prima facie evidence that all requirements of
9-33 the law in making the sale have been met.

9-34 SECTION 30. Subchapters I and J, Chapter 356, Estates Code,
9-35 are amended to read as follows:

9-36 SUBCHAPTER I. SALE OF REAL ESTATE: PUBLIC AUCTION ~~[SALE]~~

9-37 Sec. 356.401. METHOD OF SALE; REQUIRED NOTICE. (a) A
9-38 public sale of real estate of an estate shall be made at public
9-39 auction. Except as otherwise provided by Section 356.403(c), the
9-40 personal representative of an estate shall advertise a public
9-41 auction ~~[sale]~~ of real estate of the estate by a notice published in
9-42 the county in which the estate is pending, as provided by this title
9-43 for publication of notices or citations. The notice must:

9-44 (1) include a reference to the order of sale;

9-45 (2) include the time, place, and required terms of
9-46 sale; and

9-47 (3) briefly describe the real estate to be sold.

9-48 (b) The notice required by Subsection (a) is not required to
9-49 contain field notes, but if the real estate to be sold is rural
9-50 property, the notice must include:

9-51 (1) the name of the original survey of the real estate;

9-52 (2) the number of acres comprising the real estate;

9-53 (3) the location of the real estate in the county; and

9-54 (4) any name by which the real estate is generally
9-55 known.

9-56 Sec. 356.402. COMPLETION ~~[METHOD]~~ OF AUCTION ~~[SALE]~~. A
9-57 public auction ~~[sale]~~ of real estate of an estate shall be completed
9-58 on the bid of ~~[made at public auction to]~~ the highest bidder.

9-59 Sec. 356.403. TIME AND PLACE OF AUCTION ~~[SALE]~~. (a) Except
9-60 as provided by Subsection (c), a public auction ~~[sale]~~ of real
9-61 estate of an estate shall be held ~~[made]~~ at:

9-62 (1) the courthouse door in the county in which the real
9-63 estate is located, or if the real estate is located in more than one
9-64 county, the courthouse door in any county in which the real estate
9-65 is located ~~[proceedings are pending]~~; or

9-66 (2) another place in a ~~[that]~~ county described by
9-67 Subdivision (1) at which auctions ~~[sales]~~ of real estate are
9-68 specifically authorized to be held as designated by the
9-69 commissioners court of the county under Section 51.002(a), Property

10-1 Code ~~[made]~~.

10-2 (b) Except as otherwise provided by this subsection, the
10-3 auction ~~[The sale]~~ must occur between 10 a.m. and 4 p.m. on the
10-4 first Tuesday of the month after publication of notice has been
10-5 completed. If the first Tuesday of the month occurs on January 1 or
10-6 July 4, the auction must occur between 10 a.m. and 4 p.m. on the
10-7 first Wednesday of the month.

10-8 (c) If the court considers it advisable, the court may order
10-9 the auction ~~[sale]~~ to be held ~~[made]~~ in the county in which the
10-10 proceedings are pending ~~[real estate is located]~~, in which event
10-11 notice shall be published both in that county and in the county in
10-12 which the real estate is located ~~[proceedings are pending]~~.

10-13 Sec. 356.404. CONTINUANCE OF AUCTION ~~[SALE]~~. (a) A public
10-14 auction ~~[sale]~~ of real estate of an estate that is not completed on
10-15 the day advertised may be continued from day to day by an oral
10-16 public announcement of the continuance made at the conclusion of
10-17 the auction ~~[sale]~~ each day.

10-18 (b) A continued auction ~~[sale]~~ must occur within the hours
10-19 prescribed by Section 356.403(b).

10-20 (c) The continuance of an auction ~~[a sale]~~ under this
10-21 section shall be shown in the report ~~[of the sale]~~ made to the court
10-22 under Section 356.551.

10-23 Sec. 356.405. FAILURE OF BIDDER TO COMPLY. (a) If a person
10-24 bids off real estate of the estate offered ~~[for sale]~~ at public
10-25 auction and fails to comply with the terms of the bid ~~[sale]~~, the
10-26 property shall be readvertised and auctioned ~~[sold]~~ without any
10-27 further order.

10-28 (b) The person defaulting on a bid as described by
10-29 Subsection (a) is liable for payment to the personal representative
10-30 of the estate, for the estate's benefit, of:

10-31 (1) 10 percent of the amount of the bid; and

10-32 (2) the amount of any deficiency in price on the second
10-33 auction ~~[sale]~~.

10-34 (c) The personal representative may recover the amounts
10-35 under Subsection (b) by suit in any court in the county in which the
10-36 auction ~~[sale]~~ was made that has jurisdiction of the amount
10-37 claimed.

10-38 SUBCHAPTER J. SALE OF REAL ESTATE: CONTRACT FOR PRIVATE SALE

10-39 Sec. 356.451. TERMS OF ~~[MANNER OF]~~ SALE. The personal
10-40 representative of an estate may enter into a contract for the ~~[A]~~
10-41 private sale of real estate of the estate ~~[shall be]~~ made in the
10-42 manner the court directs in the order of sale. Unless the court
10-43 directs otherwise, additional advertising, notice, or citation
10-44 concerning the sale is not required.

10-45 SECTION 31. Section 356.502, Estates Code, is amended to
10-46 read as follows:

10-47 Sec. 356.502. PROCEDURE. The procedure for the sale of an
10-48 easement or right-of-way authorized under Section 356.501 is the
10-49 same as the procedure provided by law for a private sale of estate
10-50 real property by contract ~~[at private sale]~~.

10-51 SECTION 32. The heading to Subchapter L, Chapter 356,
10-52 Estates Code, is amended to read as follows:

10-53 SUBCHAPTER L. APPROVAL ~~[CONFIRMATION]~~ OF SALE OF REAL PROPERTY AND
10-54 TRANSFER OF TITLE

10-55 SECTION 33. Section 356.551, Estates Code, is amended to
10-56 read as follows:

10-57 Sec. 356.551. REPORT. A successful bid or contract for the
10-58 sale of estate real property shall be reported to the court ordering
10-59 the sale not later than the 30th day after the date the bid ~~[sale]~~ is
10-60 made or the property is placed under contract. The report must:

10-61 (1) be sworn to, in writing, and filed with the clerk;

10-62 (2) include:

10-63 (A) the date of the order of sale;

10-64 (B) a description of the property being sold;

10-65 (C) the time and place of the auction or date the
10-66 property is placed under contract ~~[sale]~~;

10-67 (D) the purchaser's name;

10-68 (E) the amount of the successful bid or the
10-69 purchase price for ~~[which]~~ each parcel of property or interest in

11-1 property auctioned or placed under contract [~~was sold~~];
 11-2 (F) the terms of the sale;
 11-3 (G) whether the proposed sale of the property was
 11-4 made at public auction or by contract [~~privately~~]; and
 11-5 (H) whether the purchaser is ready to comply with
 11-6 the order of sale; and
 11-7 (3) be noted on the probate docket.

11-8 SECTION 34. Section 356.552, Estates Code, is amended to
 11-9 read as follows:

11-10 Sec. 356.552. ACTION OF COURT ON REPORT [~~OF SALE~~]. After
 11-11 the expiration of five days from the date a report [~~of sale~~] is
 11-12 filed under Section 356.551, the court shall:

11-13 (1) inquire into the manner in which the auction or
 11-14 contract described in the report [~~sale~~] was made;

11-15 (2) hear evidence in support of or against the report;
 11-16 and

11-17 (3) determine the sufficiency or insufficiency of the
 11-18 personal representative's general bond, if any has been required
 11-19 and given.

11-20 SECTION 35. Section 356.553, Estates Code, is amended to
 11-21 read as follows:

11-22 Sec. 356.553. APPROVAL [~~CONFIRMATION~~] OF SALE WHEN BOND NOT
 11-23 REQUIRED. If the personal representative of an estate is not
 11-24 required by this title to give a general bond, the court may approve
 11-25 [~~confirm~~] the sale of estate real property in the manner provided by
 11-26 Section 356.556(a) if the court finds that the sale is satisfactory
 11-27 and made in accordance with law.

11-28 SECTION 36. Sections 356.554(a), (b), and (c), Estates
 11-29 Code, are amended to read as follows:

11-30 (a) If the personal representative of an estate is required
 11-31 by this title to give a general bond, before the court approves
 11-32 [~~confirms~~] any sale of real estate, the court shall determine
 11-33 whether the bond is sufficient to protect the estate after the sale
 11-34 proceeds are received.

11-35 (b) If the court finds that the general bond is sufficient,
 11-36 the court may approve [~~confirm~~] the sale as provided by Section
 11-37 356.556(a).

11-38 (c) If the court finds that the general bond is
 11-39 insufficient, the court may not approve [~~confirm~~] the sale until
 11-40 the general bond is increased to the amount required by the court,
 11-41 or an additional bond is given, and approved by the court.

11-42 SECTION 37. Section 356.556, Estates Code, is amended to
 11-43 read as follows:

11-44 Sec. 356.556. APPROVAL [~~CONFIRMATION~~] OR DISAPPROVAL
 11-45 ORDER. (a) If the court is satisfied that the proposed sale of real
 11-46 property [~~a sale~~] reported under Section 356.551 is [~~was~~] for a fair
 11-47 price, properly made, and in conformity with law, and the court has
 11-48 approved any increased or additional bond that the court found
 11-49 necessary to protect the estate, the court shall enter an order:

11-50 (1) approving [~~confirming~~] the sale;
 11-51 (2) showing conformity with this chapter;
 11-52 (3) detailing the terms of the sale; and
 11-53 (4) authorizing the personal representative to convey
 11-54 the property on the purchaser's compliance with the terms of the
 11-55 sale.

11-56 (b) If the court is not satisfied that the proposed sale of
 11-57 real property is [~~sale was~~] for a fair price, properly made, and in
 11-58 conformity with law, the court shall enter an order setting aside
 11-59 the bid or contract [~~sale~~] and ordering a new sale to be made, if
 11-60 necessary.

11-61 (c) The court's action in approving [~~confirming~~] or
 11-62 disapproving a report under Section 356.551 [~~of a sale~~] has the
 11-63 effect of a final judgment. Any person interested in the estate or
 11-64 in the sale is entitled to have an order entered under this section
 11-65 reviewed as in other final judgments in probate proceedings.

11-66 SECTION 38. Section 356.557, Estates Code, is amended to
 11-67 read as follows:

11-68 Sec. 356.557. DEED. Real estate of an estate that is sold
 11-69 shall be conveyed by a proper deed that refers to and identifies the

12-1 court order approving [~~confirming~~] the sale. The deed:

12-2 (1) vests in the purchaser all right and title of the

12-3 estate to, and all interest of the estate in, the property; and

12-4 (2) is prima facie evidence that the sale has met all

12-5 applicable requirements of the law.

12-6 SECTION 39. Section 356.558(a), Estates Code, is amended to

12-7 read as follows:

12-8 (a) After the court has approved [~~confirmed~~] a sale and the

12-9 purchaser has complied with the terms of the sale, the personal

12-10 representative of the estate shall promptly execute and deliver to

12-11 the purchaser a proper deed conveying the property.

12-12 SECTION 40. Section 401.005, Estates Code, is amended by

12-13 adding Subsection (a-1) to read as follows:

12-14 (a-1) If a decedent's will does not contain language

12-15 directing that no bond or security be required of a person named as

12-16 executor, unless the court finds that it would not be in the best

12-17 interest of the estate, the court may waive the requirement of a

12-18 bond if all of the distributees of the decedent agree to the waiver

12-19 of bond in:

12-20 (1) the application for probate of the decedent's

12-21 will; or

12-22 (2) one or more separate documents consenting to the

12-23 application for probate of the decedent's will.

12-24 SECTION 41. Subchapter A, Chapter 402, Estates Code, is

12-25 amended by adding Section 402.003 to read as follows:

12-26 Sec. 402.003. DIGITAL ASSETS. The court, either at the time

12-27 the independent executor of an estate is appointed or at any time

12-28 before the administration of the estate is closed, may enter an

12-29 order that:

12-30 (1) directs disclosure of the content of electronic

12-31 communications of the decedent to the independent executor as

12-32 provided by Section 2001.101 and that contains any court finding

12-33 described by Section 2001.101(b)(3);

12-34 (2) with respect to a catalog of electronic

12-35 communications sent or received by the decedent and other digital

12-36 assets of the decedent, other than the content of an electronic

12-37 communication, contains any court finding described by Section

12-38 2001.102(b)(4); or

12-39 (3) directs under Section 2001.231 a custodian to

12-40 comply with a request to disclose digital assets under Chapter

12-41 2001.

12-42 SECTION 42. Section 455.008(a), Estates Code, is amended to

12-43 read as follows:

12-44 (a) If gross assets of an estate do not exceed 20 [~~10~~]

12-45 percent of the maximum amount authorized for a small estate

12-46 affidavit under Section 205.001, the public probate administrator

12-47 may act without issuance of letters testamentary or of

12-48 administration if the court approves a statement of administration

12-49 stating:

12-50 (1) the name and domicile of the decedent;

12-51 (2) the date and place of death of the decedent; and

12-52 (3) the name, address, and relationship of each known

12-53 heir or devisee of the decedent.

12-54 SECTION 43. Section 455.009, Estates Code, is amended by

12-55 adding Subsection (a-1) to read as follows:

12-56 (a-1) The public probate administrator may file the

12-57 affidavit as provided by Subsection (a) after the public probate

12-58 administrator has acted under Section 455.007 or 455.008.

12-59 SECTION 44. Section 455.012, Estates Code, is amended to

12-60 read as follows:

12-61 Sec. 455.012. DEPOSIT OF FUNDS IN COURT REGISTRY [~~INTO THE~~

12-62 COUNTY TREASURY]. The public probate administrator shall deposit

12-63 all funds coming into the custody of the administrator in the court

12-64 registry, except as provided by Section 455.003 [~~county treasury~~].

12-65 Funds deposited must be disbursed [~~dispersed~~] at the direction of

12-66 the public probate administrator and according to an order issued

12-67 by the statutory probate court judge who appointed the

12-68 administrator [~~the guidelines of the county treasurer or auditor~~].

12-69 SECTION 45. Section 25.002201(b), Government Code, is

13-1 amended to read as follows:

13-2 (b) If the judge who is the subject of an order of recusal or
 13-3 disqualification is the presiding judge of the statutory probate
 13-4 courts, the chief justice of the supreme court shall assign [~~a~~
 13-5 ~~regional presiding judge,~~] a statutory probate judge~~[7]~~ or a former
 13-6 or retired judge of a statutory probate court to hear the case.

13-7 SECTION 46. Section 25.00255(a), Government Code, is
 13-8 amended to read as follows:

13-9 (a) Notwithstanding any conflicting provision in the Texas
 13-10 Rules of Civil Procedure, Rules 18a and 18b, Texas Rules of Civil
 13-11 Procedure, apply to the recusal and disqualification of a statutory
 13-12 probate court judge except as otherwise provided by this section or
 13-13 another provision of this subchapter. The presiding judge:

13-14 (1) has the authority and shall perform the functions
 13-15 and duties of the presiding judge of the administrative judicial
 13-16 region under the rules, including the duty to hear or rule on a
 13-17 referred motion of recusal or disqualification or, subject to
 13-18 Subdivisions (2) and (3) [~~and to Section 25.002201~~], assign a judge
 13-19 to hear and rule on a referred motion of recusal or
 13-20 disqualification;

13-21 (2) may assign a presiding judge of the administrative
 13-22 judicial region to hear and rule on a referred motion of recusal or
 13-23 disqualification only with the consent of the presiding judge of
 13-24 the administrative judicial region; [~~and~~]

13-25 (3) may not assign a judge of a statutory probate court
 13-26 located in the same county as the statutory probate court served by
 13-27 the judge who is the subject of the motion of recusal or
 13-28 disqualification; and

13-29 (4) if the presiding judge is the subject of the motion
 13-30 of recusal or disqualification, shall sign and file with the clerk
 13-31 an order referring the motion to the chief justice of the supreme
 13-32 court for assignment of a presiding judge of an administrative
 13-33 judicial region, a statutory probate court judge, or a former or
 13-34 retired judge of a statutory probate court to hear and rule on the
 13-35 motion, subject to Subdivisions (2) and (3).

13-36 SECTION 47. The following provisions of the Estates Code
 13-37 are repealed:

13-38 (1) Section 114.002(b); and

13-39 (2) Subchapter D, Chapter 114.

13-40 SECTION 48. (a) Subchapter C, Chapter 111, Estates Code, as
 13-41 added by this Act, applies to an agreement, account, contract, or
 13-42 designation made or entered into before, on, or after the effective
 13-43 date of this Act, regardless of the date of the deceased party's
 13-44 death.

13-45 (b) Sections 31.001 and 113.252(c), Estates Code, as
 13-46 amended by this Act, apply to a proceeding commenced on or after the
 13-47 effective date of this Act. A proceeding commenced before the
 13-48 effective date of this Act is governed by the law in effect on the
 13-49 date the proceeding was commenced, and the former law is continued
 13-50 in effect for that purpose.

13-51 (c) The repeal of Subchapter D, Chapter 114, Estates Code,
 13-52 by this Act does not affect the validity of a transfer on death deed
 13-53 or a cancellation of a transfer on death deed executed before, on,
 13-54 or after the effective date of this Act.

13-55 (d) Section 202.151, Estates Code, as amended by this Act,
 13-56 applies only to a proceeding to declare heirship commenced on or
 13-57 after the effective date of this Act. A proceeding to declare
 13-58 heirship commenced before that date is governed by the law in effect
 13-59 on the date the proceeding was commenced, and the former law is
 13-60 continued in effect for that purpose.

13-61 (e) Section 255.456, Estates Code, as added by this Act,
 13-62 applies only to a petition filed on or after the effective date of
 13-63 this Act. A petition filed before the effective date of this Act is
 13-64 governed by the law in effect on the date the petition was filed,
 13-65 and the former law is continued in effect for that purpose.

13-66 (f) Sections 256.052(a), 256.053(b), and 257.051(a),
 13-67 Estates Code, as amended by this Act, and Section 401.005(a-1),
 13-68 Estates Code, as added by this Act, apply only to an application for
 13-69 the probate of a will filed on or after the effective date of this

14-1 Act. An application for the probate of a will filed before that
14-2 date is governed by the law in effect on the date the application
14-3 was filed, and the former law is continued in effect for that
14-4 purpose.

14-5 (g) Section 301.052(a), Estates Code, as amended by this
14-6 Act, applies only to an application for letters of administration
14-7 filed on or after the effective date of this Act. An application
14-8 for letters of administration filed before the effective date of
14-9 this Act is governed by the law in effect on the date the
14-10 application was filed, and the former law is continued in effect for
14-11 that purpose.

14-12 (h) Sections 351.106 and 402.003, Estates Code, as added by
14-13 this Act, apply only to the administration of a decedent's estate
14-14 that is pending or commenced on or after the effective date of this
14-15 Act.

14-16 (i) Sections 351.152(a) and (b), Estates Code, as amended by
14-17 this Act, apply only to a contract entered into or a conveyance made
14-18 on or after the effective date of this Act. A contract entered into
14-19 or a conveyance made before the effective date of this Act is
14-20 governed by the law in effect on the date the contract was entered
14-21 into or the conveyance was made, and the former law is continued in
14-22 effect for that purpose.

14-23 (j) Sections 352.052(c) and 455.009(a-1), Estates Code, as
14-24 added by this Act, and Subchapters I and J, Chapter 356, and
14-25 Sections 255.152, 355.102(b) and (c), 355.103, 355.1551(a) and (b),
14-26 356.502, 356.551, 356.552, 356.553, 356.554(a), (b), and (c),
14-27 356.556, 356.557, 356.558(a), 455.008(a), and 455.012, Estates
14-28 Code, as amended by this Act, apply only to the estate of a decedent
14-29 who dies on or after the effective date of this Act. The estate of a
14-30 decedent who dies before the effective date of this Act is governed
14-31 by the law in effect on the date of the decedent's death, and the
14-32 former law is continued in effect for that purpose.

14-33 (k) Section 25.00255(a), Government Code, as amended by
14-34 this Act, applies only to a motion of recusal or disqualification
14-35 made on or after the effective date of this Act. A motion of recusal
14-36 or disqualification made before the effective date of this Act is
14-37 governed by the law in effect on the date the motion was made, and
14-38 the former law is continued in effect for that purpose.

14-39 (l) The addition by this Act of Section 309.056(e), Estates
14-40 Code, is intended to clarify rather than change existing law.

14-41 SECTION 49. This Act takes effect September 1, 2019.

14-42

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