

BILL ANALYSIS

S.B. 1335
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that certain elements of the Estates Code contain ambiguities that can cause confusion or unwanted effects. These ambiguities include the code's use of the term "certificate" when referring to letters testamentary or letters of administration, the requirement for notice of removal of a personal representative from their role to be delivered by personal service, and the lack of clear procedures for revoking letters testamentary or of administration and releasing sureties on a personal representative's bond, which may cause sureties to remain indefinitely liable for a personal representative's actions. These ambiguities can complicate estate settlement, create administrative delays, and risk continued recognition of the representative's authority by third parties even after their roles should have ended. S.B. 1335 proposes practical reforms to address these issues and improve the efficiency of estate administration. The sponsor of the bill has informed the committee that the bill accomplishes this by eliminating the use of "certificate" as an alternative to "letters," allowing courts to remove a personal representative by court order with notice served via certified mail rather than personal service, and expanding relevant provisions to include "independent administrators" alongside "independent executors" and that, taken together, these reforms would modernize the Estates Code, minimize confusion, and expedite the resolution of estates for the benefit of courts, families, and third parties alike.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1335 amends the Estates Code to revise provisions establishing the documents that are sufficient evidence of the appointment and qualification of the personal representative of an estate and the date of qualification as follows:

- removes from those documents a certificate of the clerk of the court that granted letters testamentary or of administration, under the court's seal, indicating that the letters have been issued; and
- specifies that the letters testamentary or of administration included as documents under the provision are letters issued under the court's seal by the clerk of the court that granted the letters.

S.B. 1335 changes the method by which a court that removes a personal representative for a prescribed reason on the court's own motion is required to notify the representative from citation

by personal service to notification by a qualified delivery method. This provision applies only to a motion made by a court or a complaint made by an interested person on or after the bill's effective date. A motion or complaint made before that date is governed by the law in effect on the date the motion or complaint was made, and the former law is continued in effect for that purpose.

S.B. 1335 includes an order canceling the letters issued to a personal representative and an order discharging and releasing the sureties on the personal representative's bond, if applicable, among the orders a court must enter if, on final settlement of the estate, none of the estate remains in the representative's possession.

S.B. 1335 replaces the reference to an independent executor with a reference to a personal representative in the provision authorizing a court to enter an order closing the administration of an estate and terminating the power of the independent executor. The bill also includes canceling the letters issued to the personal representative under such authority. Accordingly, the bill revises provisions that establish that the closing of an independent administration by filing of a closing report or notice of closing estate terminates the power and authority of the independent executor but does not relieve the executor from liability for any mismanagement of the estate or for any false statements contained in the report or notice as follows:

- includes an independent administrator in the persons subject to the provisions; and
- establishes that the closing of independent administration also cancels the letters issued to the personal representative.

S.B. 1335 revises the authorization for a court to enter an order closing the administration of an estate after a distributee has filed an application to close administration and after citation on the independent executor has been executed by making the following changes:

- including a citation on an independent administrator as an alternative to citation on an independent executor;
- replacing the provision authorizing the court to enter an order terminating the power of the independent executor to act as independent executor with a provision authorizing the court to enter an order terminating the power of the personal representative to act as independent executor or administrator, as applicable, and canceling the letters issued to the personal representative; and
- with respect to the authorization for the court to enter an order releasing the sureties on any bond the independent executor was required to give from all liability for the future acts of the principal, specifying that the authorization includes the independent administrator.

EFFECTIVE DATE

September 1, 2025.