

By: Hughes

S.B. No. 1448

A BILL TO BE ENTITLED

AN ACT

relating to decedents' estates and other matters involving probate courts.

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

SECTION 1. Section 33.105, Estates Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) If a probate proceeding is transferred to a court in another county under this chapter, the clerk of the transferring court shall send to the clerk of the court to which the proceeding is transferred:

(1) [7] using the electronic filing system established under Section 72.031, Government Code:

(A) [~~1~~] a transfer certificate and index of transferred documents;

(B) [~~2~~] a copy of each final order;

(C) [~~3~~] a copy of the order of transfer signed by the transferring court;

(D) [~~4~~] a copy of the original papers filed in the transferring court [~~, including a copy of any will~~];

(E) [~~5~~] a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(F) [~~6~~] a bill of any costs accrued in the transferring court; and

1 (2) by a qualified delivery method, the original will,
2 or the paper copy of the will offered under Section 256.156 to prove
3 a will that cannot be produced in court, as applicable.

4 (a-1) If applicable, the applicant who requested to
5 transfer a probate proceeding shall pay the cost of delivery under
6 Subsection (a)(2).

7 SECTION 2. Section 256.156, Estates Code, is amended by
8 adding Subsection (c) to read as follows:

9 (c) A copy of a will that cannot be produced in court that
10 includes a copy of a self-proving affidavit is sufficient to make
11 the will self-proved if the self-proving affidavit meets the form
12 and content requirements under Subchapter C, Chapter 251.

13 SECTION 3. Section 256.202, Estates Code, is amended to
14 read as follows:

15 Sec. 256.202. CUSTODY OF PROBATED WILL. An original will,
16 or a paper copy of a will proved under Section 256.156, and the
17 probate of the will shall be deposited in the office of the county
18 clerk of the county in which the will was probated. The will and
19 probate of the will shall remain in that office except during a time
20 the will and the probate of the will are removed for inspection to
21 another place on an order of the court where the will was probated.
22 If that court orders the original will to be removed to another
23 place for inspection:

24 (1) the person removing the will shall give a receipt
25 for the will;

26 (2) the court clerk shall make and retain a copy of the
27 will; and

(3) the will shall be delivered back to the office of the county clerk of the county in which the will was probated after the inspection is completed.

SECTION 4. Section 309.051(a), Estates Code, is amended to read as follows:

(a) Except as provided by Subsection (c) or Section 309.056 or unless a longer period is granted by the court, before the 91st day after the date the personal representative qualifies, the representative shall prepare and file with the court clerk a single written instrument that contains a verified, full, and detailed inventory of all estate property that has come into the representative's possession or of which the representative has knowledge. The inventory must:

(1) include:

(A) all estate real property located in this state; and

(B) all estate personal property regardless of where the property is located; and

(2) state whether the decedent was married at the time of the decedent's death, and if the decedent was married at the time of the decedent's death, specify which portion of the property, if any, is separate property and which, if any, is community property.

SECTION 5. Section 309.052, Estates Code, is amended to read as follows:

Sec. 309.052. LIST OF CLAIMS. A complete list of claims due or owing to the estate must be attached to the inventory and appraisal required by Section 309.051. The list of claims must

state:

(1) the name and, if known, address of each person indebted to the estate; and

(2) regarding each claim:

(A) the nature of the debt, whether by note, bill, bond, or other written obligation, or by account or verbal contract;

(B) the date the debt was incurred;

(C) the date the debt was or is due;

(D) the amount of the claim, the rate of interest on the claim, and the period for which the claim bears interest; and

(E) whether the claim is separate property or community property, if the decedent was married at the time of the decedent's death.

SECTION 6. Section 354.001(b), Estates Code, is amended to read as follows:

(b) On presentation of the personal representative's account and application under Subsection (a), the court, with or without notice or citation, may adjust, correct, settle, allow, or disallow the account.

SECTION 7. Section 452.006(c), Estates Code, is amended to read as follows:

(c) Not later than the seventh day after the date letters of temporary administration are issued, the ~~The~~ appointee shall file with the court proof of service of the notice required under Subsection (a) in the manner provided by Section 51.103(b)(3).

SECTION 8. Section 453.003(a), Estates Code, is amended to

1 read as follows:

2 (a) If there is no qualified executor or administrator of a
3 deceased spouse's estate, the surviving spouse, as the surviving
4 partner of the marital partnership, may:

5 (1) sue and be sued to recover community property;

6 (2) sell, mortgage, lease, and otherwise dispose of
7 community property to pay [~~community~~] debts[~~7~~] for which a portion
8 of community property is liable for payment;

9 (3) collect claims due to the community estate; and

10 (4) exercise other powers as necessary to:

11 (A) preserve the community property;

12 (B) discharge [~~community~~] obligations[~~7~~] for
13 which a portion of community property is liable for payment; and

14 (C) wind up community affairs.

15 SECTION 9. Section 80.002(b), Government Code, is amended
16 to read as follows:

17 (b) In addition to any other delivery method required or
18 authorized by law or supreme court rule, a statutory county court,
19 statutory probate court, district court, or appellate court shall
20 deliver through the electronic filing system established under
21 Section 72.031 to all parties in each case in which the use of the
22 electronic filing system is required or authorized all court orders
23 the court enters for the case.

24 SECTION 10. Section 403.060, Estates Code, is repealed.

25 SECTION 11. The amendment by this Act of Sections 256.156,
26 354.001, and 453.003, Estates Code, is intended to clarify rather
27 than change existing law.

1 SECTION 12. Section 33.105, Estates Code, as amended by
2 this Act, applies to a proceeding that is pending or commenced on or
3 after the effective date of this Act.

4 SECTION 13. Section 256.202, Estates Code, as amended by
5 this Act, applies only to a proceeding commenced on or after the
6 effective date of this Act. A proceeding commenced before the
7 effective date of this Act is governed by the law in effect on the
8 date the proceeding was commenced, and the former law is continued
9 in effect for that purpose.

10 SECTION 14. Sections 309.051(a) and 309.052, Estates Code,
11 as amended by this Act, apply to the administration of the estate of
12 a decedent that is pending or commenced on or after the effective
13 date of this Act.

14 SECTION 15. Section 452.006(c), Estates Code, as amended by
15 this Act, applies only to a temporary administrator appointed on or
16 after the effective date of this Act. A temporary administrator
17 appointed before the effective date of this Act is governed by the
18 law in effect on the date the administrator was appointed, and the
19 former law is continued in effect for that purpose.

20 SECTION 16. This Act takes effect September 1, 2025.