

By: Murr

H.B. No. 1814

A BILL TO BE ENTITLED

AN ACT

relating to application requirements for certain probate proceedings.

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

SECTION 1. Section 256.052(a), Estates Code, is amended to read as follows:

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

(1) each applicant's name and domicile;

(1-a) the last three numbers of each applicant's driver's license number and social security number, if applicable;

(2) the testator's name, domicile, and, if known, age, on the date of the testator's death;

(2-a) the last three numbers of the testator's driver's license number and social security number;

(3) the fact, date, and place of the testator's death;

(4) facts showing that the court with which the application is filed has venue;

(5) that the testator owned property, including a statement generally describing the property and the property's probable value;

(6) the date of the will;

(7) the name, state of residence, and physical address

1 where service can be had of the executor named in the will or other
2 person to whom the applicant desires that letters be issued;

3 (8) the name of each subscribing witness to the will,
4 if any;

5 (9) whether one or more children born to or adopted by
6 the testator after the testator executed the will survived the
7 testator and, if so, the name of each of those children;

8 (10) whether a marriage of the testator was ever
9 dissolved after the will was made and, if so, when and from whom;

10 (11) whether the state, a governmental agency of the
11 state, or a charitable organization is named in the will as a
12 devisee; and

13 (12) that the executor named in the will, the
14 applicant, or another person to whom the applicant desires that
15 letters be issued is not disqualified by law from accepting the
16 letters.

17 SECTION 2. Section 257.051(a), Estates Code, is amended to
18 read as follows:

19 (a) An application for the probate of a will as a muniment of
20 title must state and aver the following to the extent each is known
21 to the applicant or can, with reasonable diligence, be ascertained
22 by the applicant:

23 (1) each applicant's name and domicile;

24 (1-a) the last three numbers of each applicant's
25 driver's license number and social security number, if applicable;

26 (2) the testator's name, domicile, and, if known, age,
27 on the date of the testator's death;

1 (2-a) the last three numbers of the testator's
2 driver's license number and social security number;

3 (3) the fact, date, and place of the testator's death;

4 (4) facts showing that the court with which the
5 application is filed has venue;

6 (5) that the testator owned property, including a
7 statement generally describing the property and the property's
8 probable value;

9 (6) the date of the will;

10 (7) the name, state of residence, and physical address
11 where service can be had of the executor named in the will;

12 (8) the name of each subscribing witness to the will,
13 if any;

14 (9) whether one or more children born to or adopted by
15 the testator after the testator executed the will survived the
16 testator and, if so, the name of each of those children;

17 (10) that the testator's estate does not owe an unpaid
18 debt, other than any debt secured by a lien on real estate;

19 (11) whether a marriage of the testator was ever
20 dissolved after the will was made and, if so, when and from whom;
21 and

22 (12) whether the state, a governmental agency of the
23 state, or a charitable organization is named in the will as a
24 devisee.

25 SECTION 3. Section [301.052](#), Estates Code, is amended to
26 read as follows:

27 Sec. 301.052. CONTENTS OF APPLICATION FOR LETTERS OF

ADMINISTRATION. (a) An application for letters of administration when no will is alleged to exist must state:

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

(1-a) the last three numbers of:

(A) the applicant's driver's license number, if applicable; and

(B) the applicant's social security number, if applicable;

(2) the decedent's name and that the decedent died intestate;

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

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

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

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

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

(7) if known by the applicant at the time the applicant files the application, whether one or more children were born to or adopted by the decedent and, if so, the name, birth date, and place of birth of each child;

(8) if known by the applicant at the time the applicant

1 files the application, whether the decedent was ever divorced and,
2 if so, when and from whom;

3 (9) that a necessity exists for administration of the
4 decedent's estate and an allegation of the facts that show that
5 necessity; and

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

8 (b) If an applicant does not state the last three numbers of
9 the decedent's driver's license number or social security number
10 under Subsection (a)(2-a), the application must state the reason
11 the numbers are not stated.

12 SECTION 4. Sections 256.052(a), 257.051(a), and 301.052,
13 Estates Code, as amended by this Act, apply only to an application
14 for the probate of a will or for letters of administration that is
15 filed on or after the effective date of this Act. An application for
16 the probate of a will or for letters of administration filed before
17 that date is governed by the law in effect on the date the
18 application was filed, and the former law is continued in effect for
19 that purpose.

20 SECTION 5. This Act takes effect September 1, 2017.