

By: Alonzo

H.B. No. 3160

A BILL TO BE ENTITLED

AN ACT

relating to an exception to the period of filing an application for the grant of letters testamentary or of administration of a decedent's estate.

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

SECTION 1. Section 301.002(b), Estates Code, is amended to read as follows:

(b) This section does not apply if administration is necessary to:

(1) receive or recover property due a decedent's estate; or

(2) prevent real property in a decedent's estate from becoming a danger to the health, safety, or welfare of the general public and the applicant for the issuance of letters testamentary or of administration is a home-rule municipality that is a creditor of the estate.

SECTION 2. Section 301.151, Estates Code, is amended to read as follows:

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

(1) the person whose estate is the subject of the application is dead;

(2) except as provided by Section 301.002(b)(2), four

1 years have not elapsed since the date of the decedent's death and  
2 before the application;

3 (3) the court has jurisdiction and venue over the  
4 estate;

5 (4) citation has been served and returned in the  
6 manner and for the period required by this title; and

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

10 SECTION 3. Section 306.002(c), Estates Code, is amended to  
11 read as follows:

12 (c) The court may find other instances of necessity for an  
13 administration based on proof before the court, but a necessity is  
14 considered to exist if:

15 (1) there are two or more debts against the estate;

16 (2) there is a desire for the county court to partition  
17 the estate among the distributees; ~~or~~

18 (3) the administration is necessary to receive or  
19 recover funds or other property due the estate; or

20 (4) the administration is necessary to prevent real  
21 property in a decedent's estate from becoming a danger to the  
22 health, safety, or welfare of the general public.

23 SECTION 4. The changes in law made by this Act apply only to  
24 an application for the grant of letters testamentary or of  
25 administration of a decedent's estate filed on or after the  
26 effective date of this Act. An application for the grant of letters  
27 testamentary or of administration of a decedent's estate filed

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1 before the effective date of this Act is governed by the law in  
2 effect on the date the application was filed, and the former law is  
3 continued in effect for that purpose.

4       SECTION 5. This Act takes effect September 1, 2015.