

1-1 By: Murr (Senate Sponsor - Zaffirini) H.B. No. 1814
 1-2 (In the Senate - Received from the House May 1, 2017;
 1-3 May 5, 2017, read first time and referred to Committee on State
 1-4 Affairs; May 12, 2017, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 12, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to application requirements for certain probate
 1-20 proceedings.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 256.052(a), Estates Code, is amended to
 1-23 read as follows:

1-24 (a) An application for the probate of a will must state and
 1-25 aver the following to the extent each is known to the applicant or
 1-26 can, with reasonable diligence, be ascertained by the applicant:

1-27 (1) each applicant's name and domicile;

1-28 (1-a) the last three numbers of each applicant's
 1-29 driver's license number and social security number, if applicable;

1-30 (2) the testator's name, domicile, and, if known, age,
 1-31 on the date of the testator's death;

1-32 (2-a) the last three numbers of the testator's
 1-33 driver's license number and social security number;

1-34 (3) the fact, date, and place of the testator's death;

1-35 (4) facts showing that the court with which the
 1-36 application is filed has venue;

1-37 (5) that the testator owned property, including a
 1-38 statement generally describing the property and the property's
 1-39 probable value;

1-40 (6) the date of the will;

1-41 (7) the name, state of residence, and physical address
 1-42 where service can be had of the executor named in the will or other
 1-43 person to whom the applicant desires that letters be issued;

1-44 (8) the name of each subscribing witness to the will,
 1-45 if any;

1-46 (9) whether one or more children born to or adopted by
 1-47 the testator after the testator executed the will survived the
 1-48 testator and, if so, the name of each of those children;

1-49 (10) whether a marriage of the testator was ever
 1-50 dissolved after the will was made and, if so, when and from whom;

1-51 (11) whether the state, a governmental agency of the
 1-52 state, or a charitable organization is named in the will as a
 1-53 devisee; and

1-54 (12) that the executor named in the will, the
 1-55 applicant, or another person to whom the applicant desires that
 1-56 letters be issued is not disqualified by law from accepting the
 1-57 letters.

1-58 SECTION 2. Section 257.051(a), Estates Code, is amended to
 1-59 read as follows:

1-60 (a) An application for the probate of a will as a muniment of
 1-61 title must state and aver the following to the extent each is known

2-1 to the applicant or can, with reasonable diligence, be ascertained
 2-2 by the applicant:
 2-3 (1) each applicant's name and domicile;
 2-4 (1-a) the last three numbers of each applicant's
 2-5 driver's license number and social security number, if applicable;
 2-6 (2) the testator's name, domicile, and, if known, age,
 2-7 on the date of the testator's death;
 2-8 (2-a) the last three numbers of the testator's
 2-9 driver's license number and social security number;
 2-10 (3) the fact, date, and place of the testator's death;
 2-11 (4) facts showing that the court with which the
 2-12 application is filed has venue;
 2-13 (5) that the testator owned property, including a
 2-14 statement generally describing the property and the property's
 2-15 probable value;
 2-16 (6) the date of the will;
 2-17 (7) the name, state of residence, and physical address
 2-18 where service can be had of the executor named in the will;
 2-19 (8) the name of each subscribing witness to the will,
 2-20 if any;
 2-21 (9) whether one or more children born to or adopted by
 2-22 the testator after the testator executed the will survived the
 2-23 testator and, if so, the name of each of those children;
 2-24 (10) that the testator's estate does not owe an unpaid
 2-25 debt, other than any debt secured by a lien on real estate;
 2-26 (11) whether a marriage of the testator was ever
 2-27 dissolved after the will was made and, if so, when and from whom;
 2-28 and
 2-29 (12) whether the state, a governmental agency of the
 2-30 state, or a charitable organization is named in the will as a
 2-31 devisee.
 2-32 SECTION 3. Section 301.052, Estates Code, is amended to
 2-33 read as follows:
 2-34 Sec. 301.052. CONTENTS OF APPLICATION FOR LETTERS OF
 2-35 ADMINISTRATION. (a) An application for letters of administration
 2-36 when no will is alleged to exist must state:
 2-37 (1) the applicant's name, domicile, and, if any,
 2-38 relationship to the decedent;
 2-39 (1-a) the last three numbers of:
 2-40 (A) the applicant's driver's license number, if
 2-41 applicable; and
 2-42 (B) the applicant's social security number, if
 2-43 applicable;
 2-44 (2) the decedent's name and that the decedent died
 2-45 intestate;
 2-46 (2-a) if known by the applicant at the time the
 2-47 applicant files the application, the last three numbers of the
 2-48 decedent's driver's license number and social security number;
 2-49 (3) the fact, date, and place of the decedent's death;
 2-50 (4) facts necessary to show that the court with which
 2-51 the application is filed has venue;
 2-52 (5) whether the decedent owned property and, if so,
 2-53 include a statement of the property's probable value;
 2-54 (6) the name and address, if known, whether the heir is
 2-55 an adult or minor, and the relationship to the decedent of each of
 2-56 the decedent's heirs;
 2-57 (7) if known by the applicant at the time the applicant
 2-58 files the application, whether one or more children were born to or
 2-59 adopted by the decedent and, if so, the name, birth date, and place
 2-60 of birth of each child;
 2-61 (8) if known by the applicant at the time the applicant
 2-62 files the application, whether the decedent was ever divorced and,
 2-63 if so, when and from whom;
 2-64 (9) that a necessity exists for administration of the
 2-65 decedent's estate and an allegation of the facts that show that
 2-66 necessity; and
 2-67 (10) that the applicant is not disqualified by law
 2-68 from acting as administrator.
 2-69 (b) If an applicant does not state the last three numbers of

3-1 the decedent's driver's license number or social security number
3-2 under Subsection (a)(2-a), the application must state the reason
3-3 the numbers are not stated.

3-4 SECTION 4. Sections 256.052(a), 257.051(a), and 301.052,
3-5 Estates Code, as amended by this Act, apply only to an application
3-6 for the probate of a will or for letters of administration that is
3-7 filed on or after the effective date of this Act. An application for
3-8 the probate of a will or for letters of administration filed before
3-9 that date is governed by the law in effect on the date the
3-10 application was filed, and the former law is continued in effect for
3-11 that purpose.

3-12 SECTION 5. This Act takes effect September 1, 2017.

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