

1-1 By: Murr (Senate Sponsor - Zaffirini) H.B. No. 1877
 1-2 (In the Senate - Received from the House May 8, 2017;
 1-3 May 9, 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 a penalty for independent executors who misrepresent in
 1-20 an affidavit in lieu of the inventory, appraisement, and list of
 1-21 claims that certain beneficiaries received the inventory and
 1-22 appraisement.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 309, Estates Code, is
 1-25 amended by adding Section 309.0575 to read as follows:

1-26 Sec. 309.0575. PENALTY FOR MISREPRESENTATION IN AFFIDAVIT
 1-27 IN LIEU OF INVENTORY, APPRAISEMENT, AND LIST OF CLAIMS. (a) The
 1-28 court, on its own motion or on motion of any person interested in
 1-29 the estate, and after an independent executor has been cited to
 1-30 answer at a time and place fixed in the notice, may fine an
 1-31 independent executor in an amount not to exceed \$1,000 if the court
 1-32 finds that the executor misrepresented in an affidavit in lieu of
 1-33 the inventory, appraisement, and list of claims filed by the
 1-34 executor that all beneficiaries, other than those described by
 1-35 Section 309.056(b-1), received a verified, full, and detailed
 1-36 inventory and appraisement as required by Section 309.056(b).

1-37 (b) The independent executor and the executor's sureties,
 1-38 if any, are liable for any fine imposed under this section and for
 1-39 all damages and costs sustained by the executor's
 1-40 misrepresentation. The fine, damages, and costs may be recovered
 1-41 in any court of competent jurisdiction.

1-42 SECTION 2. Section 309.0575, Estates Code, as added by this
 1-43 Act, applies only to the estate of a decedent who dies on or after
 1-44 the effective date of this Act. The estate of a decedent who dies
 1-45 before the effective date of this Act is governed by the law in
 1-46 effect on the date of the decedent's death, and the former law is
 1-47 continued in effect for that purpose.

1-48 SECTION 3. This Act takes effect September 1, 2017.

1-49 * * * * *