

BILL ANALYSIS

Senate Research Center

H.B. 1126
By: Thompson (Harris)
Jurisprudence
4-30-97
Engrossed

DIGEST

Currently, the Probate Code provides that the parents of a minor with an estate that has property valued less than \$25,000 can apply to the court of the sale of the property without instituting a legal guardianship of the estate. This is no similar provision whereby a guardian of an incapacitated person, other than a minor, can apply to the court for the sale of property when a guardianship of the estate is unnecessary or when a sale by a guardian of the person would be more timely than waiting for a guardianship to the estate to be established. This bill will provide new regulations regarding the sale or distribution of the property of minors and certain wards.

PURPOSE

As proposed, H.B. 1126 provides new regulations regarding the sale or distribution of the property of minors and certain wards.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 887(a) and (e), Probate Code, to authorize a debtor, when certain persons are entitled to money in an amount that is \$50,000, rather than \$25,000, or less, the right to which is liquidated and uncontested in any pending lawsuit, to pay the money to the county clerk of the county in which the creditor resides to the account of the creditor, giving the creditor's social security identification number, among other information. Makes a conforming change.

SECTION 2. Amends Section 889(a), Probate Code, to authorize certain persons, when the net value of a minor's interest in real or personal property in an estate does not exceed \$50,000, rather than \$25,000, to apply to the court for an order to sell the real or personal property of a minor in an estate without being appointed guardian.

SECTION 3. Amends the heading of Part 5F, Chapter XIII, Probate Code, as follows:

SUBPART F. New heading: SALE OF PROPERTY OF MINORS AND CERTAIN WARDS

SECTION 4. Amends Part 5F, Chapter XIII, Probate Code, by adding Section 890, as follows:

Sec. 890. SALE OF PROPERTY OF WARD WITHOUT GUARDIANSHIP OF THE ESTATE. Sets forth regulations regarding the sale of property of a ward without guardianship of the estate.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.