

## **BILL ANALYSIS**

Senate Research Center

H.B. 1176  
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Jurisprudence  
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Engrossed

### **DIGEST**

Texas law authorizes a foreign will to be probated in this state. To probate a foreign will, a party must produce a copy of the will and a copy of the judgment or order by which it was admitted to probate. For purposes of probate, these two documents need their authenticity attested to by the clerk of the foreign court or other official who is in charge of probate records. In addition, a party must produce a certificate from the judge or presiding magistrate that confirms the accuracy of the clerk's or other official's attestation. The use of modern technology to reproduce seals and signatures raises questions about the authenticity of foreign probate documents filed in this state. H.B. 1176 would require the attestations accompanying a foreign will, the judgment by which it was admitted to probate, and the certificate confirming the accuracy of the clerk's or other official's attestation to contain original signatures.

### **PURPOSE**

As proposed, H.B. 1176 require original signatures on certain probate matters.

### **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 Section 95(c), Texas Probate Code, by adding the condition that a foreign will and the judgment by which it was admitted to probate need their authenticity attested to by the original signature of a clerk of a foreign court, or other official who is in charge of probate records, if these documents are to be filed with an application for probate of a foreign will. In addition, the certificate confirming the accuracy of the clerk's or other official's attestation needs an original signature of a judge or magistrate of the foreign court if the will and judgment are to be filed with an application for probate of a foreign will. Prohibits original signatures from being required for recordation in the deed records pursuant to Section 96 through 99 or Section 107 of this code.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.