

BILL ANALYSIS

Senate Research Center
79R4713 CLG-F

S.B. 347
By: Wentworth
Jurisprudence
2/21/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, during the administration of a decedent's estate, and during proceedings regarding the guardianship of a ward's estate, upon application by any interested person or if a court deems it necessary, a court is required to appoint an appraiser to appraise the decedent's or ward's estate. If the court orders an appraisal on its own motion, there is no record regarding why the appraiser was appointed, making it difficult or impossible to ascertain whether the judge abused his/her discretion in ordering the appraisal.

S.B. 347 requires there to be "good cause shown," a legally sufficient reason, for a court to order an appraisal of a decedent's or ward's estate.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 248, Texas Probate Code, as follows:

Sec. 248. APPOINTMENT OF APPRAISERS. Sets forth specific procedural requirements for the court to appoint not less than one and not more than three disinterested persons to appraise the property of the estate. Deletes existing text requiring the court to proceed with appointments if the court deems necessary.

SECTION 2. Amends Section 727, Texas Probate Code, as follows:

Sec. 727. APPOINTMENT OF APPRAISERS. Sets forth specific procedural requirements for the court to appoint not less than one and not more than three disinterested persons to appraise the property of the ward. Deletes existing text requiring the court to proceed with appointments if the court deems necessary.

SECTION 3. Makes application of Section 248, Texas Probate Code, as amended by this Act, prospective.

SECTION 4. Makes application of Section 248, Texas Probate Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2005.