

CHAPTER 693

H.B. No. 475

An Act relating to the authority of a creditor of a decedent to institute proceedings to determine heirship.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 49(a), Texas Probate Code, is amended to read as follows:

(a) Such proceedings may be instituted and maintained in any of the instances enumerated above by the qualified personal representative of the estate of such decedent, by any person or persons claiming to be a *secured creditor* or the owner of the whole or a part of the estate of such decedent, or by the guardian of the estate of a ward, if the proceedings are instituted and maintained in the probate court in which the proceedings for the guardianship of the estate were pending at the time of the death of the ward. In such a case an application shall be filed in a proper court stating the following information:

- (1) the name of the decedent and the time and place of death;
- (2) the names and residences of the decedent's heirs, the relationship of each heir to the decedent, and the true interest of the applicant and each of the heirs in the estate of the decedent;
- (3) all the material facts and circumstances within the knowledge and information of the applicant that might reasonably tend to show the time or place of death or the names or residences of all heirs, if the time or place of death or the names or residences of all the heirs are not definitely known to the applicant;
- (4) a statement that all children born to or adopted by the decedent have been listed;
- (5) a statement that each marriage of the decedent has been listed with the date of the marriage, the name of the spouse, and if the marriage was terminated, the date and place of termination, and other facts to show whether a spouse has had an interest in the property of the decedent;
- (6) whether the decedent died testate and if so, what disposition has been made of the will;
- (7) a general description of all the real and personal property belonging to the estate of the decedent; and
- (8) an explanation for the omission of any of the foregoing information that is omitted from the application.

SECTION 2. This Act takes effect September 1, 1985.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 4, 1985, by a non-record vote; passed by the Senate on May 17, 1985, by the following vote: Yeas 30, Nays 0.

Approved: June 14, 1985

Effective: September 1, 1985