

CHAPTER 882

H.B. No. 749

An Act relating to accounting and distribution procedures in the administration of certain estates.

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

**SECTION 1.** Subsections (a) and (b), Section 149B, Texas Probate Code, are amended to read as follows:

(a) In addition to or in lieu of the right to an accounting provided by Section 149A of this code, at any time after the expiration of [~~12 months after all estate and all inheritance taxes are paid or~~] three years from the date that an independent administration was created and the order appointing an independent executor was entered, [~~whichever date is later,~~] a person interested in the estate may petition the court for an accounting and distribution. The proceeding for an accounting and distribution may be brought in the county court if the county judge is licensed to practice law in the State of Texas or may be brought in a statutory probate court, a county court at law with probate jurisdiction, or a district court of the county. The court may order an accounting to be made with the court by the independent executor at such time as the court deems proper. The accounting shall include the information that the court deems necessary to determine whether any part of the estate should be distributed.

(b) On receipt of the accounting and, after notice to the independent executor and a hearing, unless the court finds a continued necessity for administration of the estate, the court may order its distribution by the independent executor to the persons entitled to the property. *If the court finds there is a continued necessity for administration of the estate, the court may order the distribution of any portion of the estate that the court finds should not be subject to further administration by the independent executor. If any portion of the estate that is ordered to be distributed is incapable of distribution without prior partition or sale, the court may order partition and distribution, or sale, in the manner provided for the partition and distribution of property incapable of division in estates administered under the direction of the county court.*

**SECTION 2.** The change in the law made by this Act applies only to a petition for an accounting and distribution filed under Section 149B, Texas Probate Code, on or after the effective date of this Act. A petition filed before the effective date of this Act is covered by the law in effect when the petition was filed, and that law is continued in effect for that purpose.

**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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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 15, 1985

Effective: August 26, 1985