

CHAPTER 898

S.B. No. 1015

AN ACT

relating to filing a final account of an estate of a decedent or ward or guardianship of a person, removing the estate from a court's active docket, and closing the estate.

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

SECTION 1. Section 406, Texas Probate Code, is amended to read as follows:

Sec. 406. **PROCEDURE IN CASE OF NEGLECT OR FAILURE TO FILE FINAL ACCOUNT; PAYMENTS DUE MEANTIME.** (a) If a personal representative charged with the duty of filing a final account fails or neglects so to do at the proper time, the court *may* [~~shall~~], upon its own motion, or *shall*, upon the written complaint of any one interested in the decedent's or ward's estate which has been administered, cause such representative to be cited to appear and present such account within the time specified in the citation.

(b) *If a written complaint has not been filed by anyone interested in the guardianship of a person or estate of a minor or deceased ward, the court may, on or after the third anniversary after the date of the death of the ward or after the date the minor reaches the age*

*of majority, remove the estate from the court's active docket without a final accounting and without appointing a successor personal representative.*

*(c) If a complaint has not been filed by anyone interested in the estate of a ward whose whereabouts are unknown to the court, the court may, on or after the fourth anniversary after the ward's whereabouts became unknown to the court, remove the estate from the court's active docket without a final accounting and without appointing a successor personal representative.*

*(d) If the whereabouts of the personal representative and heirs of a decedent are unknown and a complaint has not been filed by anyone interested in the decedent's estate, the court may, on or after the fourth anniversary after the last date on which letters testamentary or of administration are issued by the court clerk, close the estate without a final accounting and without appointing a successor personal representative.*

*(e) Rentals* [~~So far as applicable, this Section shall also govern with respect to guardians of the person. Meantime, rentals~~] or other payments becoming due to the ward, his estate, or his guardian, between the date the ward's disability terminates or the date of the ward's death and the effective date of the guardian's discharge may be paid or tendered to the emancipated ward, his guardian, or the personal representative of the ward's estate, at obligor's option, and such payment or tender shall constitute and be an absolute discharge of such matured obligation for all purposes to the extent of the amount thus paid or tendered.

**SECTION 2.** 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 the Senate on April 21, 1993: Yeas 30, Nays 0; the Senate concurred in House amendment on May 25, 1993: Yeas 31, Nays 0; passed the House, with amendment, on May 21, 1993: Yeas 132, Nays 0, two present not voting.

Approved June 19, 1993.

Effective June 19, 1993.