

CHAPTER 461

H.B. No. 362

AN ACT

relating to the payment of claims against an estate.

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

SECTION 1. Section 295(b), Texas Probate Code, is amended to read as follows:

(b) How Notice Shall Be Given. The notice stating the original grant of letter shall be given by mailing same by *certified mail or registered letter*, with return receipt requested, addressed to the record holder of such indebtedness or claim at his last known post office address.

SECTION 2. Section 320(a), Texas Probate Code, is amended to read as follows:

(a) Estates of Decedents. Executors and administrators, when they have funds in their hands belonging to the estate, shall pay in the following order:

(1) Funeral expenses and expenses of last sickness, in an amount not to exceed *Five* [~~Two~~] Thousand Dollars, if the claims therefor have been presented within sixty days from the original grant of letters testamentary or administration, but if not presented within such time, their payment shall be postponed until the allowances made to the widow and children, or to either, are paid.

(2) Allowances made to the widow and children, or to either.

(3) Expenses of administration and the expenses incurred in the preservation, safe-keeping, and management of the estate.

(4) Other claims against the estate in the order of their classification.

SECTION 3. (a) This Act takes effect September 1, 1987.

(b) Section 320, Texas Probate Code, as amended by this Act, applies to the estates of persons who die on or after September 1, 1987. An estate of a person who dies before that date is covered by the law as it existed when the person died, and that law is continued in effect for that purpose.

SECTION 4. 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 23, 1987, by a non-record vote. Passed by the Senate on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Sept. 1987.