

CHAPTER 462

H.B. No. 363

AN ACT

relating to the persons authorized to collect expenses incurred in defending a will.

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

SECTION 1. Section 243, Texas Probate Code, is amended to read as follows:

Sec. 243. ALLOWANCE FOR DEFENDING WILL. When any person designated as executor in a will or an alleged will, or as administrator with the will or alleged will annexed, defends it or prosecutes any proceeding in good faith, and with just cause, for the purpose of having the will or alleged will admitted to probate, whether successful or not, he shall be allowed out of the estate his necessary expenses and disbursements,

including reasonable attorney's fees, in such proceedings. *When any person designated as a devisee, legatee, or beneficiary in a will or an alleged will, or as administrator with the will or alleged will annexed, defends it or prosecutes any proceeding in good faith, and with just cause, for the purpose of having the will or alleged will admitted to probate, whether successful or not, he may be allowed out of the estate his necessary expenses and disbursements, including reasonable attorney's fees, in such proceedings.*

SECTION 2. This Act takes effect September 1, 1987, and applies only to actions instituted on or after that date.

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 23, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 363 on May 26, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Sept. 1, 1987.