

**SUBJECT:** Administration of estates

**COMMITTEE:** Judicial Affairs— favorable, without amendment

**VOTE:** 6 ayes — Thompson, Hartnett, Clark, Shields, Solis, Zbranek  
0 nays  
3 absent — Crabb, Garcia, Luna

**SENATE VOTE:** On final passage, March 26 — 31-0

**WITNESSES:** For — Jerry Jones, State Bar of Texas Real Estate, Probate and Trust Section  
Against — None

**DIGEST:** SB 506 would eliminate the current requirement that every person who files an application for probate of a written will must include their social security number. It would, however, allow a judge to request the social security number of any applicant.

The administrator of the estate would be authorized to abandon burdensome or worthless real or personal property and allow creditors to foreclose on that property. SB 506 would also require unsecured creditors to comply with the notice requirements imposed on all other creditors. A court could require the sale of property and foreclosure if the court found that there was a default in payment or performance under a contract securing payment of a claim.

SB 506 would also make corrective changes to conform to new statute references.

SB 506 would take effect September 1, 1997, and apply to the administration of estates of persons who die on or after that date.

**SUPPORTERS  
SAY:**

The changes proposed by SB 506 were part of the recommendations made by the State Bar's Real Estate, Probate and Trusts Section. The change proposed in social security number reporting requirements was at the request of a number of persons who have submitted applications for probate of a will. Such applications are public records, and many people do not wish to have their social security numbers available to the public. Judges, however, prefer that the administrators of estates submit their social security numbers so that they can be found more easily if the court loses track with the administrator. Allowing the judge the discretion to request social security numbers from certain applicants rather than an automatic requirement would solve this problem.

In some situations, administrators have difficulty disposing of worthless property or property that has more outstanding taxes than its value. In such situations, the paperwork required to abandon the property is more trouble than the property is worth. In situations where more taxes were owed on land than the land is worth, the administrator could simply allow the taxing authority to foreclose on the land. Yet, under current law, the administrator must attempt to satisfy the debt from other assets of the estate, then attempt to sell the property. SB 506 would allow administrators simply to abandon such property and allow creditors to foreclose on it.

The notice required of unsecured creditors was left out in the most recent changes to notice requirements from other creditors enacted in 1995 in HB 2866 by Hilbert. The change made by SB 605 would require the same notice requirements of all creditors. Allowing a court to order the sale or foreclosure of property at the hearing concerning performance of the contract promotes judicial economy by taking care of two matters at one hearing.

**OPPONENTS  
SAY:**

No apparent opposition.