

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1551  
By: Ellis  
Jurisprudence  
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### **DIGEST**

Currently, state law does not prescribe a procedure for independent executors of estates to obtain a release. Executors can be forced by beneficiaries, via litigation, to distribute all assets and defend any subsequent lawsuits with personal funds. S.B. 1551 would outline procedures for releasing independent executors from fully disclosed transactions.

### **PURPOSE**

As proposed, S.B. 1551 establishes a resident agent appointed to accept service of process in a probate proceeding or other action related to a decedent's estate.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter VII(3), Texas Probate Code, by adding Sections 221A and 221B, as follows:

Sec. 221A. CHANGE OF RESIDENT AGENT. Authorizes a personal representative to change its resident agent to accept service of process in a probate proceeding or other action relating to the estate by filing a statement of change entitled "Designation of Successor Resident Agent" with the court in which the probate proceeding is pending. Sets forth name and address requirements for the statement. Provides that the designation of a successor resident agent takes effect on the date in which the statement is filed with the court.

Sec. 221B. RESIGNATION OF RESIDENT AGENT. Authorizes a resident agent of a personal representative to resign as the resident agent by giving notice to the personal representative and filing a statement entitled "Resignation of Resident Agent" with the court. Sets forth required contents of the statement. Sets forth individuals to whom the resident agent is required to send, via certified mail, return receipt requested, a copy of a resignation statement. Provides that the resignation of a resident agent takes effect on the date in which the court enters an order accepting the agent's resignation. Prohibits a court from entering an order accepting the agent's resignation unless the agent complies with the requirements of this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.