



THN219-1 : 5/04/2023 : CMH
AMENDMENT TO HB266
2ND GIVHAN AMENDMENT TO HB266
OFFERED BY SENATOR GIVHAN

1
2
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5
6
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8
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12
13
14
15
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17
18
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Replace line 25 on page 1 with the following:

2022 Regular Session, now appearing as Sections
43-8-210, 43-8-213, and

Replace line 28 on page 1 with the following:

been removed from the probate court to the
circuit court; and to provide retroactive effect.

Replace lines 31 through 32 on page 2 with the
following:

appearing as Sections 43-8-210, 43-8-213, and
43-8-215, Code of Alabama 1975, is amended to read as
follows:

"§43-8-210

(a) This division applies to ~~wills filed for~~
both of the following:

(1) Wills filed for probate on or after January
1, 2023, and the removal to circuit court of the
administration of a decedent's estate when the



THN219-1 : 5/04/2023 : CMH
AMENDMENT TO HB266
2ND GIVHAN AMENDMENT TO HB266
OFFERED BY SENATOR GIVHAN

administration commenced on or after January 1, 2023.

(2) Any probate proceeding, including a will contest or the removal of the administration of a decedent's estate, regardless of when filed, which was before a circuit or appeals court as of April 14, 2022, and which was subject to an order issued by a probate or circuit court purporting to transfer or remove the case to circuit court or purporting to accept the case into circuit court.

(b) Sections 12-11-41, 12-11-41.1, 43-8-190, 43-8-197, 43-8-198, 43-8-199, 43-8-200, and 43-8-201, shall not apply to ~~wills filed for~~, and shall not deprive a circuit court of jurisdiction of probate proceedings pursuant to the enumerated sections, in either of the following:

(1) Wills filed for probate on or after January 1, 2023, or the removal of the administration of a decedent's estate, when the administration was commenced on or after January 1, 2023.

(2) Any probate proceeding, including a will contest or the removal of the administration of a decedent's estate, regardless of when filed, which was before a circuit or appeals court as of April 14,



THN219-1 : 5/04/2023 : CMH
AMENDMENT TO HB266
2ND GIVHAN AMENDMENT TO HB266
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2022, and which was subject to an order issued by a
probate court or circuit court purporting to transfer
or remove the case to circuit court or purporting to
accept the case into circuit court.

(c) If any provision of this division conflicts
with any provision of Chapter 13 of Title 12; Division
3, Article 7, Chapter 8 of Title 43; or any other
provision of law, the provision of this division
prevails.

After line 92, insert the following new section and
renumber the remaining section accordingly:

Section 2. This act shall be retroactive and
curative to April 14, 2022.