

1-1 By: Oliveira (Senate Sponsor - Zaffirini) H.B. No. 2063
1-2 (In the Senate - Received from the House May 6, 2015;
1-3 May 11, 2015, read first time and referred to Committee on Business
1-4 and Commerce; May 22, 2015, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the recording and effective date of certain documents
1-20 relating to nonjudicial foreclosure sales.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 12, Property Code, is amended by adding
1-23 Section 12.0012 to read as follows:

1-24 Sec. 12.0012. INSTRUMENTS CONCERNING REAL PROPERTY SUBJECT
1-25 TO A FORECLOSURE SALE. (a) Notwithstanding Section 12.0011(b),
1-26 the following documents received by the county clerk in the manner
1-27 provided by Subsection (b) shall be recorded by the clerk and serve
1-28 as notice of the matter document:

1-29 (1) an instrument appointing or authorizing a trustee
1-30 or substitute trustee to exercise the power of sale in a security
1-31 instrument;

1-32 (2) a notice of sale pursuant to which the sale under a
1-33 power of sale occurred;

1-34 (3) a notice of default on which the sale evidenced by
1-35 a deed conveying title from a trustee or substitute trustee to a
1-36 purchaser occurred;

1-37 (4) documentation from the United States Department of
1-38 Defense indicating that a debtor was not on active duty military
1-39 service on the date of a foreclosure sale;

1-40 (5) a statement of facts regarding a foreclosure sale
1-41 prepared by an attorney representing the trustee, substitute
1-42 trustee, or mortgage servicer; or

1-43 (6) proof of service of the mailing of any notice
1-44 related to a foreclosure sale.

1-45 (b) A document described by Subsection (a) shall be accepted
1-46 for recording pursuant to Subsection (a) if it is attached as an
1-47 exhibit to:

1-48 (1) a deed that conveys title from a trustee or
1-49 substitute trustee to a purchaser at a foreclosure sale and that
1-50 meets the requirements for recording under Section 12.0011(b); or

1-51 (2) an affidavit of a trustee or substitute trustee
1-52 that meets the requirements for recording under Section 12.0011(b)
1-53 and relates to a foreclosure sale.

1-54 (c) This section does not prevent the recording of documents
1-55 in any other manner allowed by law.

1-56 SECTION 2. Chapter 51, Property Code, is amended by adding
1-57 Section 51.0076 to read as follows:

1-58 Sec. 51.0076. EFFECTIVE DATE OF APPOINTMENT. The
1-59 appointment or authorization of a trustee or substitute trustee
1-60 made in a notice of sale is effective as of the date of the notice if
1-61 the notice:

2-19