

1-1 By: Hughes S.B. No. 1955
1-2 (In the Senate - Filed March 10, 2017; March 27, 2017, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 12, 2017, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 12, 2017,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1955 By: Hughes

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to expunction of a notice of lis pendens.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Section 12.0071(f), Property Code, is amended to
1-24 read as follows:

1-25 (f) After a certified copy of an order expunging a notice of
1-26 lis pendens has been recorded:

1-27 (1) [✓] the notice of lis pendens and any information
1-28 derived or that could be derived from the notice:

1-29 (A) [✓] does not:

1-30 (i) [✓] constitute constructive or
1-31 actual notice of any matter contained in the notice or of any matter
1-32 relating to the action in connection with which the notice was filed
1-33 [proceeding];

1-34 (ii) [✓] create any duty of inquiry in a
1-35 person with respect to the property described in the notice; or

1-36 (iii) [✓] affect the validity of a
1-37 conveyance to a purchaser for value or of a mortgage to a lender for
1-38 value; and

1-39 (B) [✓] is not enforceable against a purchaser
1-40 or lender described by Paragraph (A)(iii) [Subdivision (1)(C)],
1-41 regardless of whether the purchaser or lender knew of the lis
1-42 pendens action; and

1-43 (2) an interest in the real property may be
1-44 transferred or encumbered free of all matters asserted or disclosed
1-45 in the notice and all claims or other matters asserted or disclosed
1-46 in the action in connection with which the notice was filed.

1-47 SECTION 2. The change in law made by this Act applies only
1-48 to a certified copy of an order expunging a notice of lis pendens
1-49 recorded on or after the effective date of this Act. A certified
1-50 copy of an order expunging a notice of lis pendens recorded before
1-51 the effective date of this Act is governed by the law in effect at
1-52 that time, and that law is continued in effect for that purpose.

1-53 SECTION 3. This Act takes effect September 1, 2017.

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