

By: Hamric, et al.

H.B. No. 335

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the public sale of certain real property; providing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter C, Chapter 34, Civil Practice and
6 Remedies Code, is amended by adding Section 34.0445 to read as
7 follows:

8 Sec. 34.0445. PERSONS ELIGIBLE TO PURCHASE REAL PROPERTY.

9 (a) An officer conducting a sale of real property under this
10 subchapter may not execute or deliver a deed to the purchaser of the
11 property unless the purchaser exhibits to the officer an unexpired
12 written statement issued to the person in the manner prescribed by
13 Section 34.015, Tax Code, showing that the county
14 assessor-collector of the county in which the sale is conducted has
15 determined that there are no delinquent ad valorem taxes owed by the
16 person to that county or to a school district or municipality having
17 territory in that county.

18 (b) An individual may not bid on or purchase the property in
19 the name of any other individual. An officer conducting a sale
20 under this subchapter may not execute a deed in the name of or
21 deliver a deed to any person other than the person who was the
22 successful bidder.

23 (c) Until the first anniversary of the date of the sale, a
24 deed executed or delivered in violation of this section is

1 voidable. If an unexpired statement issued under Section
2 34.015(c), Tax Code, to the purchaser of the property on or before
3 the date of the sale, accompanied by the applicable filing fee, is
4 accepted for recording by the county clerk of the county in which
5 the property is located, and the statement shows that there are no
6 delinquent ad valorem taxes owed by the purchaser to that county or
7 to a school district or municipality having territory in that
8 county, it is conclusively presumed that each requirement of this
9 section was complied with.

10 (d) A person who knowingly violates this section commits an
11 offense. An offense under this subsection is a Class B misdemeanor.

12 (e) To the extent of a conflict between this section and any
13 other law, this section controls.

14 SECTION 2. Subchapter A, Chapter 34, Tax Code, is amended by
15 adding Section 34.015 to read as follows:

16 Sec. 34.015. PERSONS ELIGIBLE TO PURCHASE REAL PROPERTY.

17 (a) In this section, "person" does not include a taxing unit or an
18 individual acting on behalf of a taxing unit.

19 (b) An officer conducting a sale of real property under
20 Section 34.01 may not execute or deliver a deed to the purchaser of
21 the property unless the purchaser exhibits to the officer an
22 unexpired written statement issued under this section to the person
23 by the county assessor-collector of the county in which the sale is
24 conducted showing that there are no delinquent taxes owed by the
25 person to that county or to a school district or municipality having
26 territory in that county. The officer may not execute a deed in the
27 name of or deliver a deed to any person other than the person who was

1 the successful bidder.

2 (c) On the written request of any person, a county
3 assessor-collector shall issue a written statement stating whether
4 there are any delinquent taxes owed by the person to that county or
5 to a school district or municipality having territory in that
6 county. A request for the issuance of a statement by the county
7 assessor-collector under this subsection must:

8 (1) sufficiently identify any property subject to
9 taxation by the county or by a school district or municipality
10 having territory in the county, regardless of whether the property
11 is located in the county, that the person owns or formerly owned so
12 that the county assessor-collector and the collector for each
13 school district or municipality having territory in the county may
14 determine whether the property is included on a current or a
15 cumulative delinquent tax roll for the county, the school district,
16 or the municipality under Section 33.03;

17 (2) specify the address to which the county
18 assessor-collector should send the statement;

19 (3) include any additional information reasonably
20 required by the county assessor-collector; and

21 (4) be sworn to and signed by the person requesting the
22 statement.

23 (d) On receipt of a request under Subsection (c), the county
24 assessor-collector shall send to the collector for each school
25 district and municipality having territory in the county, other
26 than a school district or municipality for which the county
27 assessor-collector is the collector, a request for information as

1 to whether there are any delinquent taxes owed by the person to that
2 school district or municipality. The county assessor-collector
3 shall specify the date by which the collector must respond to the
4 request.

5 (e) If the county assessor-collector determines that there
6 are delinquent taxes owed to the county or to a school district or
7 municipality for which the county assessor-collector is the
8 collector for which the person is personally liable, or receives
9 information from the collector for a school district or
10 municipality having territory in the county indicating that there
11 are delinquent taxes owed to that school district or municipality
12 on the person's current or former property for which the person is
13 personally liable, the county assessor-collector shall include in
14 the statement issued under Subsection (c) the amount of delinquent
15 taxes owed by the person to that county, school district, or
16 municipality and the name and address of the collector for that
17 school district or municipality.

18 (f) If the county assessor-collector does not receive a
19 response from the collector for any school district or municipality
20 to whom the county assessor-collector sent a request under
21 Subsection (d) as to whether there are delinquent taxes on the
22 person's current or former property owed by the person to that
23 school district or municipality, the county assessor-collector
24 shall indicate in the statement issued under Subsection (c) that
25 the county assessor-collector is unable to certify that there are
26 no delinquent taxes owed by the person to that school district or
27 municipality and include the name and address of the collector for

1 that school district or municipality.

2 (g) To cover the costs associated with the issuance of
3 statements under Subsection (c), a county assessor-collector may
4 charge the person requesting a statement a fee not to exceed \$10 for
5 each statement requested.

6 (h) A statement under Subsection (c) must be issued in the
7 name of the requestor, bear the requestor's name, include the dates
8 of issuance and expiration, and be eligible for recording under
9 Section 12.001(b), Property Code. A statement expires on the 90th
10 day after the date of issuance.

11 (i) Until the first anniversary of the date of the sale, a
12 deed executed or delivered in violation of this section is
13 voidable. If an unexpired statement issued under Subsection (c) to
14 the purchaser of the property on or before the date of the sale,
15 accompanied by the applicable filing fee, is accepted for recording
16 by the county clerk of the county in which the property is located,
17 and the statement shows that there are no delinquent taxes owed by
18 the purchaser to that county or to a school district or municipality
19 having territory in that county, it is conclusively presumed that
20 each requirement of this section was complied with.

21 (j) A person who knowingly violates this section commits an
22 offense. An offense under this subsection is a Class B misdemeanor.

23 (k) To the extent of a conflict between this section and any
24 other law, this section controls.

25 SECTION 3. This Act takes effect September 1, 2003. The
26 change in law made by this Act applies only to a public sale of real
27 property conducted on or after October 1, 2003. A public sale of

H.B. No. 335

1 real property conducted before October 1, 2003, is governed by the
2 law in effect on the date the sale was conducted, and the former law
3 is continued in effect for that purpose.