

By: Brimer

S.B. No. 1527

A BILL TO BE ENTITLED

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AN ACT

relating to a purchaser's right to cure default under an executory contract for conveyance.

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

SECTION 1. Section 5.064, Property Code, is amended to read as follows:

Sec. 5.064. SELLER'S REMEDIES ON DEFAULT. A seller may enforce the remedy of rescission or of forfeiture and acceleration against a purchaser in default under an executory contract for conveyance of real property only if:

(1) the seller notifies the purchaser of:

(A) the seller's intent to enforce a remedy under this section; and

(B) the purchaser's right to cure the default within the 30-day [~~60-day~~] period described by Section 5.065;

(2) the purchaser fails to cure the default within the 30-day [~~60-day~~] period described by Section 5.065; and

(3) Section 5.066 does not apply.

SECTION 2. Section 5.065, Property Code, is amended to read as follows:

Sec. 5.065. RIGHT TO CURE DEFAULT. Notwithstanding an agreement to the contrary, a purchaser in default under an executory contract for the conveyance of real property may avoid the enforcement of a remedy described by Section 5.064 by complying

1 with the terms of the contract on or before the 30th [~~60th~~] day
2 after the date notice is given under that section.

3 SECTION 3. (a) This Act takes effect September 1, 2003.

4 (b) The change in law made by this Act applies only to an
5 executory contract for conveyance signed on or after September 1,
6 2003. An executory contract for conveyance signed before September
7 1, 2003, is covered by the law in effect when the contract was
8 signed, and the former law is continued in effect for that purpose.