

1-1 By: Brimer S.B. No. 1527  
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 April 24, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 24, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1527 By: Harris

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to a purchaser's right to cure default under an executory  
1-11 contract for conveyance.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 5.064, Property Code, is amended to read  
1-14 as follows:

1-15 Sec. 5.064. SELLER'S REMEDIES ON DEFAULT. A seller may  
1-16 enforce the remedy of rescission or of forfeiture and acceleration  
1-17 against a purchaser in default under an executory contract for  
1-18 conveyance of real property only if:

1-19 (1) the seller notifies the purchaser of:

1-20 (A) the seller's intent to enforce a remedy under  
1-21 this section; and

1-22 (B) the purchaser's right to cure the default  
1-23 within the 30-day [~~60-day~~] period described by Section 5.065;

1-24 (2) the purchaser fails to cure the default within the  
1-25 30-day [~~60-day~~] period described by Section 5.065; and

1-26 (3) Section 5.066 does not apply.

1-27 SECTION 2. Section 5.065, Property Code, is amended to read  
1-28 as follows:

1-29 Sec. 5.065. RIGHT TO CURE DEFAULT. Notwithstanding an  
1-30 agreement to the contrary, a purchaser in default under an  
1-31 executory contract for the conveyance of real property may avoid  
1-32 the enforcement of a remedy described by Section 5.064 by complying  
1-33 with the terms of the contract on or before the 30th [~~60th~~] day  
1-34 after the date notice is given under that section.

1-35 SECTION 3. (a) This Act takes effect September 1, 2003.

1-36 (b) The change in law made by this Act applies only to an  
1-37 executory contract for conveyance signed on or after September 1,  
1-38 2003. An executory contract for conveyance signed before September  
1-39 1, 2003, is covered by the law in effect when the contract was  
1-40 signed, and the former law is continued in effect for that purpose.

1-41 \* \* \* \* \*