

Amend SB 629 (Senate committee printing) on third reading as follows:

(1) In SECTION 5 of the bill, in the recital, strike "Sections 5.081 through 5.085" (page 2, line 11) and substitute "Sections 5.081 through 5.084".

(2) In SECTION 5 of the bill, in added Section 5.081, Property Code, strike Subsection (e) (page 2, lines 52-56) and substitute the following:

(e) A seller who violates this section is liable to the purchaser for liquidated damages in the amount of \$2,000.

(3) In SECTION 5 of the bill, strike added Section 5.084, Property Code (page 3, lines 60-64) and renumber added sections of Subchapter D, Chapter 5, Property Code, accordingly.

(4) Insert the following SECTION of the bill, appropriately numbered:

SECTION \_\_\_\_\_. (a) Sections 5.077(a) and (c), Property Code, are amended to read as follows:

(a) The seller shall provide the purchaser with an annual statement in January of each year for the term of the executory contract. The [if the] seller shall deliver [mails] the statement to the purchaser by certified mail[, the statement must be postmarked] not later than January 31. A statement is presumed delivered under this subsection when it is deposited in the mail. This presumption is rebuttable when evidence of failure to receive the statement is provided. If more than one purchaser signs the contract, a seller complies with this subsection if the seller delivers the statement to at least one of the purchasers.

(c) A seller who fails to comply with Subsection (a) is liable to the purchaser for:

(1) liquidated damages in the amount of the lesser of:  
(A) \$250 [a day] for each annual statement [day after January 31 that] the seller fails to provide to the purchaser on or before February 1 and an additional \$1,000 if the seller fails to provide the purchaser with the annual statement on or after March 1; or

(B) the remaining amount owed under the contract on the first day the seller fails to comply with Subsection (a); and

(2) reasonable attorney's fees.

(b) The change in law made by this Act to Section 5.077(c), Property Code, applies to all actions for damages not finally adjudicated on or before September 1, 2005.

(5) In SECTION 6 of the bill, strike Subsection (e) (page 4, lines 50-54).

(6) In SECTION 6 of the bill, in Subsection (f), renumber the reference to "Section 5.085" appropriately.

(7) Reletter subsections of SECTION 6 of the bill appropriately.

(8) Renumber SECTIONS of the bill appropriately.