

BILL ANALYSIS

Senate Research Center
79R10357 AJA-F

H.B. 961
By: Smith, Wayne (Jackson)
Intergovernmental Relations
4/19/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the location of a sale of real property under a contract lien must take place at the county courthouse in the county in which the land is located. As engrossed, H.B. 961 amends the Property Code to allow the sale of real property under a contract lien to take place in an area other than at the courthouse as designated by the commissioners court of that county.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.002, Property Code, by amending Subsection (a) and adding Subsection (h), as follows:

(a) Requires the notice of sale to designate the area, rather than area at the courthouse, where the sale covered by that notice is to take place, and requires the sale to occur in that area, if no area is designated by the commissioners court. Makes a conforming change.

(h) Authorizes the commissioners court of a county to designate an area other than an area at the courthouse where sales under this section will take place that is in a public place within a reasonable proximity of the county courthouse and in a location as accessible to the public as the courthouse door, for the purposes of Subsection (a). Requires the commissioners court to record that designation in the real property records of the county. Provides that the posting of the required notice of a sale designated under this subsection to take place at an area other than an area of the courthouse remains at the courthouse door of the appropriate county.

SECTION 2. Effective date: upon passage or September 1, 2005.