

By: Smith of Harris

H.B. No. 961

A BILL TO BE ENTITLED

AN ACT

relating to the location of a sale of real property under a contract
lien.

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

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

(a) A sale of real property under a power of sale conferred
by a deed of trust or other contract lien must be a public sale at
auction held between 10 a.m. and 4 p.m. of the first Tuesday of a
month. Except as provided by Subsection (h), the ~~[The]~~ sale must
take place at the county courthouse in the county in which the land
is located, or if the property is located in more than one county,
the sale may be made at the courthouse in any county in which the
property is located. The commissioners court shall designate the
area at the courthouse where the sales are to take place and shall
record the designation in the real property records of the county.
The sale must occur in the designated area. If no area is
designated by the commissioners court, the notice of sale must
designate the area ~~[at the courthouse]~~ where the sale covered by
that notice is to take place, and the sale must occur in that area.

(h) For the purposes of Subsection (a), the commissioners
court of a county may designate an area other than an area at the
courthouse where sales under this section will take place that is in

1 a public place within a reasonable proximity of the county
2 courthouse and in a location as accessible to the public as the
3 courthouse door. The commissioners court shall record that
4 designation in the real property records of the county. The posting
5 of the notice required by Subsection (b)(1) of a sale designated
6 under this subsection to take place at an area other than an area of
7 the courthouse remains at the courthouse door of the appropriate
8 county.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2005.