

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 and

1 record that designation in the real property records of the county.  
2 The posting of the notice required by Subsection (b)(1) of a sale  
3 designated under this subsection to take place at an area other than  
4 an area of the courthouse remains at the courthouse door of the  
5 appropriate county.

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