

1-1 By: Smith of Harris (Senate Sponsor - Jackson) H.B. No. 961
1-2 (In the Senate - Received from the House April 4, 2005;
1-3 April 6, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 12, 2005, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 12, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the location of a sale of real property under a contract
1-9 lien.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 51.002, Property Code, is amended by
1-12 amending Subsection (a) and adding Subsection (h) to read as
1-13 follows:

1-14 (a) A sale of real property under a power of sale conferred
1-15 by a deed of trust or other contract lien must be a public sale at
1-16 auction held between 10 a.m. and 4 p.m. of the first Tuesday of a
1-17 month. Except as provided by Subsection (h), the [The] sale must
1-18 take place at the county courthouse in the county in which the land
1-19 is located, or if the property is located in more than one county,
1-20 the sale may be made at the courthouse in any county in which the
1-21 property is located. The commissioners court shall designate the
1-22 area at the courthouse where the sales are to take place and shall
1-23 record the designation in the real property records of the county.
1-24 The sale must occur in the designated area. If no area is
1-25 designated by the commissioners court, the notice of sale must
1-26 designate the area [at the courthouse] where the sale covered by
1-27 that notice is to take place, and the sale must occur in that area.

1-28 (h) For the purposes of Subsection (a), the commissioners
1-29 court of a county may designate an area other than an area at the
1-30 courthouse where sales under this section will take place that is in
1-31 a public place within a reasonable proximity of the county
1-32 courthouse and in a location as accessible to the public as the
1-33 courthouse door. The commissioners court shall record that
1-34 designation in the real property records of the county. The posting
1-35 of the notice required by Subsection (b)(1) of a sale designated
1-36 under this subsection to take place at an area other than an area of
1-37 the courthouse remains at the courthouse door of the appropriate
1-38 county.

1-39 SECTION 2. This Act takes effect immediately if it receives
1-40 a vote of two-thirds of all the members elected to each house, as
1-41 provided by Section 39, Article III, Texas Constitution. If this
1-42 Act does not receive the vote necessary for immediate effect, this
1-43 Act takes effect September 1, 2005.

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