

By: Howard

H.B. No. 3058

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of persons to participate in the public sale of certain real property.

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

SECTION 1. Sections 34.0445(a) and (c), Civil Practice and Remedies Code, are amended to read as follows:

(a) An officer conducting a sale of real property under this subchapter may not execute or deliver a deed to the purchaser of the property unless the purchaser exhibits to the officer an unexpired written statement issued to the person in the manner prescribed by Section 34.015, Tax Code, showing that the county assessor-collector of the county in which the sale is conducted has determined that:

(1) there are no delinquent ad valorem taxes owed by the person to that county on property the person currently owns; and

(2) for each school district or municipality having territory in the county there are no known or reported delinquent ad valorem taxes owed by the person to that school district or municipality on property the person currently owns.

(c) The deed executed by the officer conducting the sale must name the successful bidder as the grantee and recite that the successful bidder exhibited to that officer an unexpired written statement issued to the person in the manner prescribed by Section 34.015, Tax Code, showing that the county assessor-collector of the

1 county in which the sale was conducted determined that:

2 (1) there are no delinquent ad valorem taxes owed by  
3 the person to that county on property the person currently owns; and

4 (2) for each school district or municipality having  
5 territory in the county there are no known or reported delinquent ad  
6 valorem taxes owed by the person to that school district or  
7 municipality on property the person currently owns.

8 SECTION 2. Sections 34.015(b)-(i) and (l), Tax Code, are  
9 amended to read as follows:

10 (b) An officer conducting a sale of real property under  
11 Section 34.01 may not execute a deed in the name of or deliver a deed  
12 to any person other than the person who was the successful bidder.  
13 The officer may not execute or deliver a deed to the purchaser of  
14 the property unless the purchaser exhibits to the officer an  
15 unexpired written statement issued under this section to the person  
16 by the county assessor-collector of the county in which the sale is  
17 conducted showing that:

18 (1) there are no delinquent taxes owed by the person to  
19 that county on property the person currently owns; and

20 (2) for each school district or municipality having  
21 territory in the county there are no known or reported delinquent ad  
22 valorem taxes owed by the person to that school district or  
23 municipality on property the person currently owns.

24 (c) On the written request of any person, a county  
25 assessor-collector shall issue a written statement stating whether  
26 there are any delinquent taxes owed by the person to that county or  
27 to a school district or municipality having territory in that

1 county on property the person currently owns. A request for the  
2 issuance of a statement by the county assessor-collector under this  
3 subsection must:

4 (1) sufficiently identify any property subject to  
5 taxation by the county or by a school district or municipality  
6 having territory in the county, regardless of whether the property  
7 is located in the county, that the person currently owns [~~or~~  
8 ~~formerly owned~~] so that the county assessor-collector and the  
9 collector for each school district or municipality having territory  
10 in the county may determine whether the property is included on a  
11 current or a cumulative delinquent tax roll for the county, the  
12 school district, or the municipality under Section 33.03;

13 (2) specify the address to which the county  
14 assessor-collector should send the statement;

15 (3) include any additional information reasonably  
16 required by the county assessor-collector; and

17 (4) be sworn to and signed by the person requesting the  
18 statement.

19 (d) On receipt of a request under Subsection (c), the county  
20 assessor-collector shall send to the collector for each school  
21 district and municipality having territory in the county, other  
22 than a school district or municipality for which the county  
23 assessor-collector is the collector, a request for information as  
24 to whether there are any delinquent taxes owed by the person to that  
25 school district or municipality on property the person currently  
26 owns. The county assessor-collector shall specify the date by  
27 which the collector must respond to the request.

1           (e) If the county assessor-collector determines that there  
2 are delinquent taxes owed to the county on property the person  
3 currently owns, the county assessor-collector shall include in the  
4 statement issued under Subsection (c) the amount of delinquent  
5 taxes owed by the person to that county on that property. If the  
6 county assessor-collector is the collector for a school district or  
7 municipality having territory in the county and the county  
8 assessor-collector determines that there are delinquent ad valorem  
9 taxes owed by the person to the school district or municipality on  
10 property the person currently owns, the assessor-collector shall  
11 include in the statement issued under Subsection (c) the amount of  
12 delinquent taxes owed by the person to that school district or  
13 municipality on the property.

14           (f) If the county assessor-collector receives a response  
15 from the collector for a school district or municipality having  
16 territory in the county indicating that there are delinquent taxes  
17 owed to that school district or municipality on the person's  
18 current [~~or former~~] property for which the person is personally  
19 liable, the county assessor-collector shall include in the  
20 statement issued under Subsection (c):

21                 (1) the amount of delinquent taxes owed by the person  
22 to that school district or municipality on the property; and

23                 (2) the name and address of the collector for that  
24 school district or municipality.

25           (g) If the county assessor-collector determines that there  
26 are no delinquent taxes owed by the person to the county or to a  
27 school district or municipality for which the county

1 assessor-collector is the collector on property the person  
2 currently owns, the county assessor-collector shall indicate in the  
3 statement issued under Subsection (c) that there are no delinquent  
4 ad valorem taxes owed by the person to the county or to the school  
5 district or municipality on property the person currently owns.

6 (h) If the county assessor-collector receives a response  
7 from the collector for any school district or municipality having  
8 territory in that county indicating that there are no delinquent ad  
9 valorem taxes owed by the person to that school district or  
10 municipality on property the person currently owns, the county  
11 assessor-collector shall indicate in the statement issued under  
12 Subsection (c) that there are no delinquent ad valorem taxes owed by  
13 the person to that school district or municipality on property the  
14 person currently owns.

15 (i) If the county assessor-collector does not receive a  
16 response from the collector for any school district or municipality  
17 to whom the county assessor-collector sent a request under  
18 Subsection (d) as to whether there are delinquent taxes on the  
19 person's current [~~or former~~] property owed by the person to that  
20 school district or municipality, the county assessor-collector  
21 shall indicate in the statement issued under Subsection (c) that  
22 there are no reported delinquent taxes owed by the person to that  
23 school district or municipality on property the person currently  
24 owns.

25 (l) The deed executed by the officer conducting the sale  
26 must name the successful bidder as the grantee and recite that the  
27 successful bidder exhibited to that officer an unexpired written

1 statement issued to the person in the manner prescribed by this  
2 section, showing that the county assessor-collector of the county  
3 in which the sale was conducted determined that:

4 (1) there are no delinquent ad valorem taxes owed by  
5 the person to that county on property the person currently owns; and

6 (2) for each school district or municipality having  
7 territory in the county there are no known or reported delinquent ad  
8 valorem taxes owed by the person to that school district or  
9 municipality on property the person currently owns.

10 SECTION 3. This Act takes effect September 1, 2005.