

Amend **HB 2137** on third reading by striking the text of the second reading Floor Amendment No. 4, by Eiland, and substituting the following:

Amend Amendment No. \_\_\_\_ by Puente to **HB 2137** as follows:

(1) On page 1, line 4, between "(f)," and "(i)", insert "(g),".

(2) On page 1, line 4, between "(i)," and "and", insert "(j),".

(3) On page 1, line 5, strike "(f-1),".

(4) On page 3, lines 20 and 21, strike "to any mortgage servicer and".

(5) On page 3, line 21, between "a" and "first", insert "recorded".

(6) On page 4, strike lines 11 through 29 and substitute the following:

(1) the application for the foreclosure must:

(A) allege that the lien is an ad valorem tax lien instead of a lien created under Section 50, Article XVI, Texas Constitution;

(B) state that the applicant does not seek a court order required by Section 50, Article XVI, Texas Constitution; and

(C) state that the transferee has provided notice to cure the default and notice of intent to accelerate to the property owner, and notice of acceleration of the maturity of the debt to the property owner, any recorded mortgage servicer, and each holder of a recorded lien on the property in the manner required for notice to a debtor under Section 51.002, Property Code; and

(2) the holder of a recorded preexisting lien must be provided at least 60 days' notice before the date of the proposed foreclosure, and notwithstanding any contractual agreement with the property owner is entitled to payoff information to the greatest extent permitted by 15 U.S.C. Section 6802 and 12 C.F.R. Part 216.

(7) Strike page 5, line 14, through page 6, line 15, and substitute the following:

mortgage servicer of a recorded preexisting lien on property encumbered by a tax lien transferred as provided by Subsection (b) ~~may [is entitled, within six months after the date on which the tax lien is recorded in all counties in which the property is located, to]~~ obtain a release of the transferred tax lien by paying the transferee of the tax lien the amount owed under the contract between the property owner and the transferee, if the tax lien has not been reinstated or foreclosed. This right does not affect a right of redemption in a foreclosure proceeding described by Subsection (k) or (k-1). A transferee may charge a reasonable fee for a payoff statement that is requested after an initial payoff statement is provided. To be valid, the payoff statement must meet the requirements of a payoff statement defined by Section 12.017, Property Code, and must be provided, upon request, to any holder of a recorded preexisting lien on the property, notwithstanding any contractual agreement with the property owner, to the greatest extent permitted by 15 U.S.C. Section 6802 and 12 C.F.R. Part 216.

(8) On page 6, line 16, strike "(f-4)" and substitute "(g)".

(9) On page 6, line 16, between "(b-1)," and "(f),", insert "(c-1)(2),".

(10) On page 6, line 18, strike the period and substitute the following:

~~[At any time after the end of the six-month period specified by Subsection (f) and before a notice of foreclosure of the transferred tax lien is sent, the transferee of the tax lien or the holder of the tax lien may require the property owner to provide written authorization and pay a reasonable fee before providing information regarding the current balance owed by the property owner to the transferee or the holder of the tax lien].~~

(11) On page 6, between lines 28 and 29, insert the following:

(j) After one year from the date on which a tax lien transferred as provided by this section is recorded in all counties in which the property is located, the transferee of the lien may foreclose the lien in the manner provided by Subsection (c) unless a contract between the holder of the lien and the owner of the property encumbered by the lien provides otherwise. If a

foreclosure suit under Subsection (c)(1) results in foreclosure of the lien, the transferee is entitled to recover attorney's fees in an amount not to exceed 10 percent of the judgment. The proceeds of a sale following a foreclosure suit under Subsection (c)(1) ~~[judicial foreclosure as provided by this subsection]~~ shall be applied first to the payment of court costs, then to payment of the judgment, including accrued interest, and then to the payment of any attorney's fees fixed in the judgment. Any remaining proceeds shall be paid to other holders of liens on the property in the order of their priority and then to the person whose property was sold at the tax sale.

(12) On page 8, strike lines 20 through 24 and substitute the following:

(6) requiring that notice under Section 32.06(c-1)(2) include, ~~[at the time the foreclosure notices required by Subdivision (5) are served on the property owner, the transferee to serve a copy of the notice of sale in the same manner on the mortgage servicer or the holder of all recorded real property liens encumbering the property that includes]~~ on

(13) On page 8, line 28, between "A" and "SUPERIOR", insert "FORECLOSURE OF A".

(14) Strike page 8, line 30, through page 9, line 1, and substitute "CONDITIONS. ~~[THE FORECLOSURE IS SCHEDULED TO OCCUR ON THE (DATE).]~~".

(15) On page 9, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 32.065(b-1), Tax Code, is repealed.