

By: Zerwas

H.B. No. 989

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the filing for record of a plat or replat of a  
3 subdivision of real property.

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

5 SECTION 1. Section 12.002(e), Property Code, is amended to  
6 read as follows:

7 (e) A person may not file for record or have recorded in the  
8 county clerk's office a plat, ~~or~~ replat, or amended plat or replat  
9 of a subdivision of real property unless the plat, ~~or~~ replat, or  
10 amended plat or replat has attached to it an original tax  
11 certificate from each taxing unit with jurisdiction of the real  
12 property indicating that no delinquent ad valorem taxes are owed on  
13 the real property. If the plat, ~~or~~ replat, or amended plat or  
14 replat is filed after September 1 of a year, the plat, ~~or~~ replat,  
15 or amended plat or replat must also have attached to it a tax  
16 receipt issued by the collector for each taxing unit with  
17 jurisdiction of the property indicating that the taxes imposed by  
18 the taxing unit for the current year have been paid or, if the taxes  
19 for the current year have not been calculated, a statement from the  
20 collector for the taxing unit indicating that the taxes to be  
21 imposed by that taxing unit for the current year have not been  
22 calculated. If the tax certificate for a taxing unit does not cover  
23 the preceding year, the plat, ~~or~~ replat, or amended plat or replat  
24 must also have attached to it a tax receipt issued by the collector

1 for the taxing unit indicating that the taxes imposed by the taxing  
2 unit for the preceding year have been paid. This subsection does  
3 not apply if:

4 (1) more than one person acquired the real property  
5 from a decedent under a will or by inheritance and those persons  
6 owning an undivided interest in the property obtained approval to  
7 subdivide the property to provide each person with a divided  
8 interest and a separate title to the property; or

9 (2) a taxing unit acquired the real property for  
10 public use through eminent domain proceedings or voluntary sale.

11 SECTION 2. Section 82.051, Property Code, is amended by  
12 amending Subsection (d) and adding Subsection (f) to read as  
13 follows:

14 (d) A county clerk shall, without prior approval from any  
15 other authority, record declarations and amendments to  
16 declarations in the real property records~~[,]~~ and ~~[a county clerk~~  
17 ~~shall]~~ record condominium plats or plans in the real property  
18 records or in books maintained for that purpose~~[, as a declarant may~~  
19 ~~request]~~. If a county clerk maintains a [The] book for the  
20 condominium plat records, the book shall be the same size and type  
21 as the book for recording subdivision plats.

22 (f) A person may not file for record or have recorded in the  
23 county clerk's office a plat, replat, or amended plat or replat of a  
24 condominium unless the plat, replat, or amended plat or replat has  
25 attached to it an original tax certificate from each taxing unit  
26 with jurisdiction of the real property indicating that no  
27 delinquent ad valorem taxes are owed on the real property. If the

1 plat, replat, or amended plat or replat is filed after September 1  
2 of a year, the plat, replat, or amended plat or replat must also  
3 have attached to it a tax receipt issued by the collector for each  
4 taxing unit with jurisdiction of the property indicating that the  
5 taxes imposed by the taxing unit for the current year have been paid  
6 or, if the taxes for the current year have not been calculated, a  
7 statement from the collector for the taxing unit indicating that  
8 the taxes to be imposed by that taxing unit for the current year  
9 have not been calculated. If the tax certificate for a taxing unit  
10 does not cover the preceding year, the plat, replat, or amended plat  
11 or replat must also have attached to it a tax receipt issued by the  
12 collector for the taxing unit indicating that the taxes imposed by  
13 the taxing unit for the preceding year have been paid. This  
14 subsection does not apply if a taxing unit acquired the condominium  
15 for public use through eminent domain proceedings or voluntary  
16 sale.

17 SECTION 3. This Act takes effect September 1, 2007.