

Amend CSHB 3945 (house committee printing) as follows:

(1) On page 1, line 6, strike "Subdivision (5-a)" and substitute "Subdivision (7)".

(2) On page 1, strike lines 8 and 9.

(3) On page 1, between lines 13 and 14, insert the following:

(7) "Authorized title insurance agent," with respect to an Affidavit as Release of Lien under this section, means a person licensed as a title insurance agent under Chapter 2651, Insurance Code, and authorized in writing by a title insurance company by instrument recorded in the real property records in the county in which the property to which the affidavit relates is located to execute one or more Affidavits as Release of Lien in compliance with this section, subject to any terms, limitations, and conditions that are set forth in the instrument executed by the title insurance company.

(4) On page 2, line 5, strike "or a title insurance agent" and substitute "or an authorized title insurance agent".

(5) On page 2, line 19, strike "title insurance agent" and substitute "authorized title insurance agent".

(6) On page 5, lines 5 and 6, 10, 13, and 16 and 17, strike "title insurance agent" and substitute "authorized title insurance agent".

(7) On page 5, line 7, strike "company or agent" and substitute "title insurance company or authorized title insurance agent".

(8) Strike page 6, lines 9 through 18, and substitute the following:

(i) A person who knowingly causes an affidavit with false information to be executed and recorded under this section is liable for the penalties for filing a false affidavit, including the penalties for commission of offenses under Section 37.02 of the Penal Code~~[, and to a party injured by the affidavit for actual damages or \$5,000, whichever is greater]~~. The attorney general may sue to collect the penalty. A person who negligently causes an affidavit with false information to be executed and recorded under this section is liable to a party injured by the affidavit for

actual damages. If the attorney general or an injured party bringing suit substantially prevails in an action under this subsection, the court may award reasonable attorney's fees and court costs to the prevailing party.

(9) On page 6, line 19, strike "title insurance agent" and substitute "authorized title insurance agent".