

Amend **SB 472** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 118, Local Government Code, is amended by adding Section 118.026 to read as follows:

Sec. 118.026. NOTICE OF FORECLOSURE SALE. (a) A county clerk shall collect a \$150 fee for a notice of sale filed under Section 51.002(b)(2), Property Code, from the holder of the security instrument, unless the holder is the original grantee of the security instrument. If a property has more than one notice of sale filed for the property and the fee has not been refunded under Subsection (e), the county clerk may not collect more than \$150 fee from the holder of the security instrument under this subsection.

(b) The county clerk shall keep a separate record of the fees collected under this section and shall remit the fees to the county treasurer not later than the deadline provided by Section 113.022. The county may retain not more than five percent of the fees for the county's costs for implementing and administering this section.

(c) On or before the last day of the month following each calendar quarter, the county treasurer shall remit to the comptroller the money from all fees collected during the preceding quarter, except as provided by Subsection (b) or (e).

(d) The comptroller shall deposit the money received under Subsection (c) in the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent.

(e) The county treasurer shall refund a \$150 fee collected under Subsection (a) not later than the 60th day after the date the refund is requested if:

(1) the foreclosure sale is canceled; and

(2) the holder of the security instrument provides to the county clerk:

(A) documentation establishing that the foreclosure sale was canceled; and

(B) an affidavit signed by a designated representative of the holder of the security instrument indicating that the holder has not received reimbursement from the mortgagor

for the fee.

SECTION \_\_\_\_\_. The change in law made by Section 118.026, Local Government Code, as added by this Act, applies only to a notice of sale filed on or after the effective date of this Act. A notice filed before the effective date of this Act is governed by the law in effect when the notice was filed, and the former law is continued in effect for that purpose.