

By: Phillips

H.B. No. 108

A BILL TO BE ENTITLED

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AN ACT

relating to persons eligible to be appointed as a receiver for certain mineral interests.

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

SECTION 1. Section 64.091(d), Civil Practice and Remedies Code, is amended to read as follows:

(d) In an action under Subsection (b)(1):

(1) the plaintiff, in the verified petition, must name the last known owner or the last record owner of the interest as defendant;

(2) the plaintiff must serve notice on the defendant by publication as provided by the Texas Rules of Civil Procedure;

(3) the court may appoint as receiver the county judge and his successors~~[, the county clerk and his successors,]~~ or any other resident of the county in which the land is located;

(4) notwithstanding the Texas Rules of Civil Procedure, the applicant is not required to post bond; and

(5) the receiver is not required to post bond.

SECTION 2. Section 64.093(d), Civil Practice and Remedies Code, is amended to read as follows:

(d) In an action under Subsection (a):

(1) the plaintiff, in the petition, must name the last known owner or the last record owner of the interest as defendant;

(2) the plaintiff must serve notice on the defendant

1 by publication as provided by the Texas Rules of Civil Procedure;

2 (3) the court may appoint as receiver the county
3 judge [~~, the county clerk,~~] or any other resident of the county in
4 which the land is located;

5 (4) notwithstanding the Texas Rules of Civil
6 Procedure, the applicant is not required to post bond; and

7 (5) the receiver is not required to post bond.

8 SECTION 3. The change in law made by this Act applies only
9 to the appointment of a receiver made on or after the effective date
10 of this Act. An appointment made before the effective date of this
11 Act is governed by the law as it existed immediately before the
12 effective date of this Act, and that law is continued in effect for
13 that purpose.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.