

AN ACT

relating to payment of attorney's fees in certain actions to recover possession of real property.

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

SECTION 1. Section 16.034(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) In a suit for the possession of real property between a person claiming under record title to the property and one claiming by adverse possession, if the prevailing party recovers possession of the property from a person unlawfully in actual possession, the court:

(1) shall ~~may~~ award costs and reasonable attorney's fees to the prevailing party if the court finds that the person unlawfully in actual possession made a claim of adverse possession that was groundless and made in bad faith; and

(2) may award costs and reasonable attorney's fees to the prevailing party in the absence of a finding described by Subdivision (1).

SECTION 2. The change in law made by this Act applies only to a suit for the possession of real property filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

H.B. No. 556

1 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 556 was passed by the House on May 8, 2009, by the following vote: Yeas 131, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 556 on May 29, 2009, by the following vote: Yeas 136, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 556 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor