

1-1 By: Paxton (Senate Sponsor - Wentworth) H.B. No. 1465
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 April 23, 2009, read first time and referred to Committee on
1-4 Jurisprudence; April 30, 2009, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; April 30, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the joinder of a tax lien transferee in a suit to
1-9 collect a delinquent ad valorem tax.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 32.06(i), Tax Code, is amended to read as
1-12 follows:

1-13 (i) Except as provided by Section 33.445, a [A] foreclosure
1-14 of a tax lien transferred as provided by this section may not be
1-15 instituted within one year from the date on which the lien is
1-16 recorded in all counties in which the property is located, unless
1-17 the contract between the owner of the property and the transferee
1-18 provides otherwise.

1-19 SECTION 2. Subchapter C, Chapter 33, Tax Code, is amended by
1-20 adding Section 33.445 to read as follows:

1-21 Sec. 33.445. JOINDER OF TAX LIEN TRANSFEREE. (a) A taxing
1-22 unit acting under Section 33.44(a) shall also join each transferee
1-23 of a tax lien against the property that may appear of record under
1-24 Section 32.06. After the joinder, the transferee of the tax lien
1-25 may file its claim and seek foreclosure in the suit for all amounts
1-26 owed the transferee that are secured by the transferred tax lien,
1-27 regardless of when the original transfer of tax lien was recorded or
1-28 whether the original loan secured by the transferred tax lien is
1-29 delinquent. In the alternative, the transferee may pay all taxes,
1-30 penalties, interest, court costs, and attorney's fees owing to the
1-31 taxing unit that filed the foreclosure suit and each other taxing
1-32 unit that is joined.

1-33 (b) In consideration of the payment by the transferee of
1-34 those taxes and charges, each joined taxing unit shall transfer its
1-35 tax lien to the transferee in the form and manner provided by
1-36 Section 32.06(b) and enter its disclaimer in the suit.

1-37 (c) On transfer of all applicable tax liens, the transferee
1-38 may seek to foreclose the tax liens in the pending suit or in any
1-39 other manner provided by Section 32.06, regardless of when the
1-40 original transfer of tax lien was recorded or whether the original
1-41 loan secured by the transferred tax lien is delinquent. The
1-42 foreclosure may include all amounts owed to the transferee,
1-43 including any amount secured by the original transfer of tax lien.

1-44 (d) All liens held by a transferee who is joined under this
1-45 section but fails to act in the manner provided by this section are
1-46 extinguished, and the court's judgment shall reflect the
1-47 extinguishment of those liens.

1-48 SECTION 3. Section 33.445, Tax Code, as added by this Act,
1-49 applies to a suit for foreclosure of an ad valorem tax lien that is
1-50 pending on the effective date of this Act or that is brought on or
1-51 after the effective date of this Act.

1-52 SECTION 4. This Act takes effect September 1, 2009.

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