

By: England

H.B. No. 2393

A BILL TO BE ENTITLED

AN ACT

relating to providing notice of foreclosure to certain lien holders.

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

SECTION 1. Sections 51.002(b) and (e), Property Code, are amended to read as follows:

(b) Except as provided by Subsection (b-1), notice of the sale, which must include a statement of the earliest time at which the sale will begin, must be given at least 21 days before the date of the sale by:

(1) posting at the courthouse door of each county in which the property is located a written notice designating the county in which the property will be sold;

(2) filing in the office of the county clerk of each county in which the property is located a copy of the notice posted under Subdivision (1); and

(3) serving written notice of the sale by certified mail on:

(A) each debtor who, according to the records of the mortgage servicer of the debt, is obligated to pay the debt; and

(B) each holder of a lien on the property subject to foreclosure, as reflected in the real property records of the county in which the property is located.

(e) Service of a notice under this section by certified mail

1 is complete when the notice is deposited in the United States mail,
2 postage prepaid and addressed to the person described by Subsection
3 (b)(3) [debtor] at the person's [debtor's] last known address. The
4 affidavit of a person knowledgeable of the facts to the effect that
5 service was completed is prima facie evidence of service.

6 SECTION 2. Sections 209.010(a) and (b), Property Code, are
7 amended to read as follows:

8 (a) A property owners' association that conducts a
9 foreclosure sale of an owner's lot must send, [to the lot owner] not
10 later than the 30th day after the date of the foreclosure sale, a
11 written notice stating the date and time the sale occurred to:

12 (1) the lot owner [and] informing the [lot] owner of
13 the owner's right to redeem the property under Section 209.011; and

14 (2) each record holder of a lien on the property sold
15 at the foreclosure sale.

16 (b) The notice must be sent by certified mail, return
17 receipt requested, to the [lot owner's] last known mailing address
18 of:

19 (1) the lot owner, as reflected in the records of the
20 property owners' association; and

21 (2) each record holder of a lien on the property sold
22 at the foreclosure sale, as reflected in the real property records
23 of the county in which the property is located.

24 SECTION 3. The changes in law made by this Act apply only to
25 a notice required to be provided on or after September 1, 2009. A
26 notice required to be provided before September 1, 2009, is
27 governed by the law in effect immediately before that date, and that

H.B. No. 2393

1 law is continued in effect for that purpose.

2 SECTION 4. This Act takes effect September 1, 2009.