

By: Oliveira

H.B. No. 2205

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility of persons to participate in the public
3 sale of certain real property and the purchase of that property;
4 providing a penalty.

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

6 SECTION 1. The heading to Section 34.0445, Civil Practice
7 and Remedies Code, is amended to read as follows:

8 Sec. 34.0445. PERSONS ELIGIBLE TO BID ON AND PURCHASE REAL
9 PROPERTY.

10 SECTION 2. Section 34.0445, Civil Practice and Remedies
11 Code, is amended by amending Subsections (a) and (c) and adding
12 Subsections (a-1) and (b-1) to read as follows:

13 (a) To be eligible to bid on real property at a sale under
14 this subchapter, a person must, before the sale begins, exhibit to
15 the officer conducting the sale a written statement issued to the
16 person in the manner prescribed by Section 34.015, Tax Code, along
17 with a tax certificate for each property tax account listed in the
18 statement, showing that the county assessor-collector of the county
19 in which the sale is conducted has determined that:

20 (1) there are no delinquent ad valorem taxes owed by
21 the person to that county; and

22 (2) for each school district or municipality having
23 territory in the county there are no known or reported delinquent ad
24 valorem taxes owed by the person to that school district or

1 municipality.

2 (a-1) An officer conducting a sale of real property under
3 this subchapter may not accept a bid from, execute a deed to, or
4 deliver a deed to a person who, before the sale begins, does not
5 exhibit [~~the purchaser of the property unless the purchaser~~
6 ~~exhibits~~] to the officer an unexpired written statement issued to
7 the person in the manner prescribed by Section 34.015, Tax Code,
8 along with a tax certificate for each property tax account listed in
9 the statement, showing that the county assessor-collector of the
10 county in which the sale is conducted has determined that:

11 (1) there are no delinquent ad valorem taxes owed by
12 the person to that county; and

13 (2) for each school district or municipality having
14 territory in the county there are no known or reported delinquent ad
15 valorem taxes owed by the person to that school district or
16 municipality.

17 (b-1) An officer conducting a sale of real property under
18 this subchapter may not execute or deliver a deed to the purchaser
19 of the property unless the purchaser exhibits to the officer a tax
20 certificate showing that no taxes are due on the purchased property
21 as required by Section 34.015(b-1), Tax Code.

22 (c) The deed executed by the officer conducting the sale
23 must name the successful bidder as the grantee and recite that the
24 successful bidder exhibited to that officer a tax certificate
25 showing that no taxes are due on the property purchased and that,
26 before the sale began, the successful bidder exhibited to that
27 officer an unexpired written statement issued to the person in the

1 manner prescribed by Section 34.015, Tax Code, along with a tax
2 certificate for each property tax account listed in the statement,
3 showing that the county assessor-collector of the county in which
4 the sale was conducted determined that:

5 (1) there are no delinquent ad valorem taxes owed by
6 the person to that county; and

7 (2) for each school district or municipality having
8 territory in the county there are no known or reported delinquent ad
9 valorem taxes owed by the person to that school district or
10 municipality.

11 SECTION 3. The heading to Section 34.015, Tax Code, is
12 amended to read as follows:

13 Sec. 34.015. PERSONS ELIGIBLE TO BID ON AND PURCHASE REAL
14 PROPERTY.

15 SECTION 4. Section 34.015, Tax Code, is amended by adding
16 Subsections (a-1) and (b-1) and amending Subsections (b), (k),
17 (k-1), and (l) to read as follows:

18 (a-1) To be eligible to bid on real property at a tax sale, a
19 person must, before the sale begins, exhibit to the officer
20 conducting the sale an unexpired written statement issued under
21 this section to the person by the county assessor-collector of the
22 county in which the sale is conducted, along with a tax certificate
23 for each property tax account listed on the statement, showing
24 that:

25 (1) there are no delinquent taxes owed by the person to
26 that county; and

27 (2) for each school district or municipality having

1 territory in the county there are no known or reported delinquent ad
2 valorem taxes owed by the person to that school district or
3 municipality.

4 (b) An officer conducting a sale of real property under
5 Section 34.01 may not:

6 (1) accept a bid from, execute a deed to, [~~in the name~~
7 ~~of~~] or deliver a deed to a [any] person who, before the sale begins,
8 does not exhibit [~~other than the person who was the successful~~
9 ~~bidder. The officer may not execute or deliver a deed to the~~
10 ~~purchaser of the property unless the purchaser exhibits] to the
11 officer an unexpired written statement issued under this section to
12 the person by the county assessor-collector of the county in which
13 the sale is conducted, along with a tax certificate for each
14 property tax account listed on the statement, showing that:~~

15 (A) [~~(1)~~] there are no delinquent taxes owed by
16 the person to that county; and

17 (B) [~~(2)~~] for each school district or
18 municipality having territory in the county there are no known or
19 reported delinquent ad valorem taxes owed by the person to that
20 school district or municipality; or

21 (2) execute a deed in the name of or deliver a deed to a
22 person other than the person who was the successful bidder.

23 (b-1) An officer conducting a sale of real property under
24 Section 34.01 may not execute or deliver a deed to the purchaser of
25 the property unless the purchaser exhibits to the officer a tax
26 certificate, as described by Section 31.08, showing that no taxes
27 are due on the purchased property.

1 (k) A statement under Subsection (c) must be issued in the
2 name of the requestor, bear the requestor's name, include the dates
3 of issuance and expiration, and be eligible for recording under
4 Section 12.001(b), Property Code. A statement expires on March 1 of
5 the year following the year [~~on the 90th day after the date~~] of
6 issuance.

7 (k-1) If within six months of the date of a sale of real
8 property under Section 34.01, the successful bidder does not
9 exhibit to the officer who conducted the sale a tax certificate as
10 required by Subsection (b-1) [~~an unexpired statement that complies~~
11 ~~with Subsection (k)~~], the officer who conducted the sale shall
12 provide a copy of the officer's return to the county
13 assessor-collector for each county in which the real property is
14 located. On receipt of the officer's return, the county
15 assessor-collector shall file the copy with the county clerk of the
16 county in which the county assessor-collector serves. The county
17 clerk shall record the return in records kept for that purpose and
18 shall index and cross-index the return in the name of the successful
19 bidder at the auction and each former owner of the property. The
20 chief appraiser of each appraisal district that appraises the real
21 property for taxation may list the successful bidder in the
22 appraisal records of that district as the owner of the property.

23 (l) The deed executed by the officer conducting the sale
24 must name the successful bidder as the grantee and recite that the
25 successful bidder exhibited to that officer a tax certificate
26 showing that no taxes are due on the property purchased and that,
27 before the sale began, the successful bidder exhibited to that

1 officer an unexpired written statement issued to the person in the
2 manner prescribed by this section, showing that the county
3 assessor-collector of the county in which the sale was conducted
4 determined that:

5 (1) there are no delinquent ad valorem taxes owed by
6 the person to that county; and

7 (2) for each school district or municipality having
8 territory in the county there are no known or reported delinquent ad
9 valorem taxes owed by the person to that school district or
10 municipality.

11 SECTION 5. (a) Except as provided by this section, the
12 change in law made by this Act applies only to a public sale of real
13 property conducted on or after the effective date of this Act. A
14 public sale of real property conducted before the effective date of
15 this Act is governed by the law in effect on the date the sale was
16 conducted, and the former law is continued in effect for that
17 purpose.

18 (b) The change in law made by this Act to Section 34.015(k),
19 Tax Code, applies to a statement issued on or after the effective
20 date of this Act or an unexpired statement issued before the
21 effective date of this Act. Notwithstanding the expiration date
22 included in the unexpired statement, an unexpired statement issued
23 before the effective date of this Act expires on March 1, 2012.

24 SECTION 6. This Act takes effect September 1, 2011.