

1-1 By: Van de Putte, Nelson, West S.B. No. 101
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 14, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 March 14, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 101 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of nonjudicial foreclosure on residences
1-11 owned by certain members of the military, including foreclosure by
1-12 a property owners' association.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 51.002, Property Code, is amended by
1-15 adding Subsection (i) to read as follows:

1-16 (i) Notice served under Subsection (b)(3) or (d) must state
1-17 the name and address of the sender of the notice and contain a
1-18 statement that is conspicuous, printed in boldface or underlined
1-19 type, and substantially similar to the following: "Assert and
1-20 protect your rights as a member of the armed forces of the United
1-21 States. If you are or your spouse is serving on active military
1-22 duty, including active military duty as a member of the Texas
1-23 National Guard or the National Guard of another state or as a member
1-24 of a reserve component of the armed forces of the United States,
1-25 please send written notice of the active duty military service to
1-26 the sender of this notice immediately."

1-27 SECTION 2. Subsection (a), Section 51.015, Property Code,
1-28 is amended by adding Subdivision (1-a) to read as follows:

1-29 (1-a) "Assessment" and "assessments" have the
1-30 meanings assigned by Sections 82.113(a) and 209.002, as applicable.

1-31 SECTION 3. Subsection (b), Section 51.015, Property Code,
1-32 is amended to read as follows:

1-33 (b) This section applies only to an obligation:

1-34 (1) that is secured by a mortgage, deed of trust, or
1-35 other contract lien, including a lien securing payment of an
1-36 assessment or assessments, as applicable, on real property or
1-37 personal property that is a dwelling owned by a military
1-38 servicemember;

1-39 (2) that originates before the date on which the
1-40 servicemember's active duty military service commences; and

1-41 (3) for which the servicemember is still obligated.

1-42 SECTION 4. The changes in law made by this Act apply only to
1-43 the levy of an assessment or assessments as described by Section
1-44 51.015, Property Code, as amended by this Act, the effective date of
1-45 which is on or after the effective date of this Act. A levy of an
1-46 assessment or assessments the effective date of which is before the
1-47 effective date of this Act is governed by the law as it existed
1-48 immediately before the effective date of this Act, and that law is
1-49 continued in effect for that purpose.

1-50 SECTION 5. This Act takes effect September 1, 2011.

1-51 * * * * *