

By: Huffman

S.B. No. 428

A BILL TO BE ENTITLED

AN ACT

relating to notice to a judgment debtor of the filing of a foreign judgment.

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

SECTION 1. Section 35.004, Civil Practice and Remedies Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The judgment creditor or the judgment creditor's attorney [clerk] shall:

(1) promptly mail notice of the filing of the foreign judgment to the judgment debtor at the address provided for the judgment debtor under Subsection (a); and

(2) file proof of mailing of the notice with the clerk of the court [~~given and shall note the mailing in the docket~~].

(d) On receipt of proof of mailing under Subsection (b), the clerk of the court shall note the mailing in the docket.

SECTION 2. Section 35.005, Civil Practice and Remedies Code, is repealed.

SECTION 3. The change in law made by this Act applies only to the filing of a foreign judgment on or after the effective date of this Act. The filing of a foreign judgment before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2011.