

1-1 By: Huffman S.B. No. 428  
1-2 (In the Senate - Filed January 27, 2011; February 2, 2011,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 8, 2011, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; March 8, 2011, sent to printer.)

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

1-8 relating to notice to a judgment debtor of the filing of a foreign  
1-9 judgment.

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

1-11 SECTION 1. Section 35.004, Civil Practice and Remedies  
1-12 Code, is amended by amending Subsection (b) and adding Subsection  
1-13 (d) to read as follows:

1-14 (b) The judgment creditor or the judgment creditor's  
1-15 attorney [clerk] shall:

1-16 (1) promptly mail notice of the filing of the foreign  
1-17 judgment to the judgment debtor at the address provided for the  
1-18 judgment debtor under Subsection (a); and

1-19 (2) file proof of mailing of the notice with the clerk  
1-20 of the court [given and shall note the mailing in the docket].

1-21 (d) On receipt of proof of mailing under Subsection (b), the  
1-22 clerk of the court shall note the mailing in the docket.

1-23 SECTION 2. Section 35.005, Civil Practice and Remedies  
1-24 Code, is repealed.

1-25 SECTION 3. The change in law made by this Act applies only  
1-26 to the filing of a foreign judgment on or after the effective date  
1-27 of this Act. The filing of a foreign judgment before the effective  
1-28 date of this Act is governed by the law in effect immediately before  
1-29 that date, and that law is continued in effect for that purpose.

1-30 SECTION 4. This Act takes effect immediately if it receives  
1-31 a vote of two-thirds of all the members elected to each house, as  
1-32 provided by Section 39, Article III, Texas Constitution. If this  
1-33 Act does not receive the vote necessary for immediate effect, this  
1-34 Act takes effect September 1, 2011.

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