

1-1 By: Watson S.B. No. 1187
1-2 (In the Senate - Filed March 4, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 March 30, 2011, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; March 30, 2011, sent to printer.)

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

1-8 relating to the effect of indexing notices of lis pendens.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 13.004, Property Code, is amended to
1-11 read as follows:

1-12 Sec. 13.004. EFFECT OF RECORDING LIS PENDENS. (a) A
1-13 recorded lis pendens is notice to the world of its contents. The
1-14 notice is effective from the time it is filed for record and indexed
1-15 as provided by Section 12.007(c), regardless of whether service has
1-16 been made on the parties to the proceeding.

1-17 (b) A transfer or encumbrance of real property involved in a
1-18 proceeding by a party to the proceeding to a third party who has
1-19 paid a valuable consideration and who does not have actual or
1-20 constructive notice of the proceeding is effective, even though the
1-21 judgment is against the party transferring or encumbering the
1-22 property, unless a notice of the pendency of the proceeding has been
1-23 recorded and indexed under that party's name as provided by Section
1-24 12.007(c) in each county in which the property is located.

1-25 SECTION 2. The change in law made by this Act applies only
1-26 to a notice of lis pendens filed for record on or after the
1-27 effective date of this Act. A notice filed for record before the
1-28 effective date of this Act is covered by the law in effect when the
1-29 notice was filed, and the former law is continued in effect for that
1-30 purpose.

1-31 SECTION 3. This Act takes effect September 1, 2011.

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