

1-1 By: Lucio S.B. No. 1760
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 29, 2011, reported favorably by the following
1-5 vote: Yeas 3, Nays 2; April 29, 2011, sent to printer.)

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

1-8 relating to notice of water and wastewater requirements before
1-9 certain sales of certain residential properties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. Subchapter B, Chapter 232, Local Government
1-12 Code, is amended by adding Section 232.0315 to read as follows:

1-13 Sec. 232.0315. NOTICE OF WATER AND WASTEWATER REQUIREMENTS
1-14 BY COUNTIES. (a) This section applies only to a county that sells:

1-15 (1) under Section 34.01, Tax Code, real property
1-16 presumed to be for residential use under Section 232.022; or

1-17 (2) under Section 3, Part VI, Texas Rules of Civil
1-18 Procedure, and Chapter 34, Civil Practice and Remedies Code, real
1-19 property presumed to be for residential use under Section 232.022,
1-20 taken by virtue of a writ of execution.

1-21 (b) A county shall include in the public notice of sale of
1-22 the property and the deed conveying the property a statement
1-23 substantially similar to the following:

1-24 "THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR
1-25 JUDICIAL REQUIREMENTS. THE _____ (NAME OF COUNTY) AND THE
1-26 SHERIFF'S DEPARTMENT ARE ACTING ONLY AS CONDUITS OF INFORMATION.
1-27 BIDDERS WILL BID ON THE RIGHTS, TITLE, AND INTERESTS, IF ANY, IN THE
1-28 REAL PROPERTY OFFERED.

1-29 "THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY
1-30 WARRANTY, EITHER EXPRESS OR IMPLIED. NEITHER THE COUNTY NOR THE
1-31 SHERIFF'S DEPARTMENT WARRANTS OR MAKES ANY REPRESENTATIONS ABOUT
1-32 THE PROPERTY'S TITLE, CONDITION, HABITABILITY, MERCHANTABILITY, OR
1-33 FITNESS FOR A PARTICULAR PURPOSE. BUYERS ASSUME ALL RISKS.

1-34 "IN SOME SITUATIONS, A LOT OF FIVE ACRES OR LESS IS PRESUMED
1-35 TO BE INTENDED FOR RESIDENTIAL USE. HOWEVER, IF THE PROPERTY LACKS
1-36 WATER OR WASTEWATER SERVICE, THE PROPERTY MAY NOT QUALIFY FOR
1-37 RESIDENTIAL USE. A POTENTIAL BUYER WHO WOULD LIKE MORE INFORMATION
1-38 SHOULD MAKE ADDITIONAL INQUIRIES OR CONSULT WITH PRIVATE COUNSEL."

1-39 (c) The statement required by Subsection (b) must be:

1-40 (1) printed:

1-41 (A) in English and Spanish; and

1-42 (B) in 14-point boldface type or 14-point
1-43 uppercase typewritten letters; and

1-44 (2) read aloud at the sale, in English and Spanish, by
1-45 an agent of the county.

1-46 (d) A sale conducted in violation of this section is void.

1-47 SECTION 2. The changes in law made by this Act apply only to
1-48 a sale for which public notice is required on or after the effective
1-49 date of this Act. A sale for which public notice is required before
1-50 the effective date of this Act is covered by the law in effect when
1-51 the public notice was provided, and the former law is continued in
1-52 effect for that purpose.

1-53 SECTION 3. This Act takes effect September 1, 2011.

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