

By: Oliveira

H.B. No. 2365

Substitute the following for H.B. No. 2365:

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C.S.H.B. No. 2365

A BILL TO BE ENTITLED

AN ACT

relating to the public sale of certain real property.

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

SECTION 1. Sections 34.01(b) and (p), Tax Code, are amended to read as follows:

(b) On receipt of an order of sale of real property, the officer charged with selling the property shall endorse on the order the date and exact time when the officer received the order. The endorsement is a levy on the property without necessity for going upon the ground. The officer shall calculate the total amount due under the judgment, including all taxes, penalties, and interest, plus any other amount awarded by the judgment, court costs, ~~and~~ the costs of the sale, and any accrued post-judgment taxes, penalties, and interest. The costs of a sale include the costs of advertising, and deed recording fees anticipated to be paid in connection with the sale of the property. To assist the officer in making the calculation, the collector of any taxing unit that is party to the judgment may provide the officer with a certified tax statement showing the amount of the taxes included in the judgment that remain due that taxing unit, ~~and~~ all penalties, interest, and attorney's fees provided by the judgment, and all accrued post-judgment taxes, penalties, and interest as of the date of the proposed sale. If a certified tax statement is provided to the officer, the officer shall rely on the amount included in the

1 statement and is not responsible or liable for the accuracy of the
2 applicable portion of the calculation. A certified tax statement
3 is not required to be sworn to and is sufficient if the tax
4 collector or the collector's deputy signs the statement.

5 (p) Except as provided by Subsection (o), property seized
6 under Subchapter E, Chapter 33, may not be sold for an amount that
7 is less than the lesser of the market value of the property as
8 specified in the warrant or the total amount of taxes, penalties,
9 interest, costs, ~~and~~ other claims for which the warrant was
10 issued, and any post-judgment taxes, penalties, and interest. If a
11 sufficient bid is not received by the officer making the sale, the
12 officer shall bid off the property to a taxing unit in the manner
13 specified by Subsection (j) and subject to the other provisions of
14 that subsection. A taxing unit that takes title to property under
15 this subsection takes title for the use and benefit of that taxing
16 unit and all other taxing units that established tax liens in the
17 suit or that, on the date of the seizure, were owed delinquent taxes
18 on the property.

19 SECTION 2. Section 34.02(b), Tax Code, is amended to read as
20 follows:

- 21 (b) The proceeds shall be applied to:
- 22 (1) the costs of advertising the tax sale;
 - 23 (2) any fees ordered by the judgment to be paid to an
24 appointed attorney ad litem;
 - 25 (3) the original court costs payable to the clerk of
26 the court;
 - 27 (4) the fees and commissions payable to the officer

1 conducting the sale;

2 (5) the expenses incurred by a taxing unit in
3 determining necessary parties and in procuring necessary legal
4 descriptions of the property if those expenses were awarded to the
5 taxing unit by the judgment under Section 33.48(a)(4);

6 (6) the taxes, penalties, interest, and attorney's
7 fees that are due under the judgment; ~~and~~

8 (7) any post-judgment taxes, penalties, and interest
9 that accrued after the date of the judgment; and

10 (8) any other amount awarded to a taxing unit under the
11 judgment.

12 SECTION 3. The change in law made by this Act applies only
13 to a public sale of real property conducted on or after the
14 effective date of this Act. A public sale of real property
15 conducted before the effective date of this Act is governed by the
16 law in effect on the date the sale was conducted, and the former law
17 is continued in effect for that purpose.

18 SECTION 4. This Act takes effect September 1, 2013.