

By: Oliveira

H.B. No. 2365

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the public sale of certain real property.

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

4 SECTION 1. Sections 34.0445(a) and (c), Civil Practice and  
5 Remedies Code, are amended to read as follows:

6 (a) An officer conducting a sale of real property under this  
7 subchapter may not execute or deliver a deed to the purchaser of the  
8 property unless the purchaser exhibits to the officer:

9 (1) an unexpired written statement issued to the  
10 person in the manner prescribed by Section 34.015, Tax Code,  
11 showing that the county assessor-collector of the county in which  
12 the sale is conducted has determined that:

13 (A) [~~(1)~~] there are no delinquent ad valorem  
14 taxes owed by the person to that county; and

15 (B) [~~(2)~~] for each school district or  
16 municipality having territory in the county there are no known or  
17 reported delinquent ad valorem taxes owed by the person to that  
18 school district or municipality; and

19 (2) a tax certificate, as described by Section 31.08,  
20 Tax Code, showing that no taxes are due on the purchased property.

21 (c) The deed executed by the officer conducting the sale  
22 must name the successful bidder as the grantee and recite that the  
23 successful bidder exhibited to that officer:

24 (1) an unexpired written statement issued to the

1 person in the manner prescribed by Section 34.015, Tax Code,  
2 showing that the county assessor-collector of the county in which  
3 the sale was conducted determined that:

4 (A) [~~(1)~~] there are no delinquent ad valorem  
5 taxes owed by the person to that county; and

6 (B) [~~(2)~~] for each school district or  
7 municipality having territory in the county there are no known or  
8 reported delinquent ad valorem taxes owed by the person to that  
9 school district or municipality; and

10 (2) a tax certificate showing that no taxes are due on  
11 the purchased property.

12 SECTION 2. Sections 34.015(b), (k-1), and (l), Tax Code,  
13 are amended to read as follows:

14 (b) An officer conducting a sale of real property under  
15 Section 34.01 may not execute a deed in the name of or deliver a deed  
16 to any person other than the person who was the successful bidder.  
17 The officer may not execute or deliver a deed to the purchaser of  
18 the property unless the purchaser exhibits to the officer:

19 (1) an unexpired written statement issued under this  
20 section to the person by the county assessor-collector of the  
21 county in which the sale is conducted showing that:

22 (A) [~~(1)~~] there are no delinquent taxes owed by  
23 the person to that county; and

24 (B) [~~(2)~~] for each school district or  
25 municipality having territory in the county there are no known or  
26 reported delinquent ad valorem taxes owed by the person to that  
27 school district or municipality; and

1           (2) a tax certificate, as described by Section 31.08,  
2 showing that no taxes are due on the purchased property.

3           (k-1) If within six months of the date of a sale of real  
4 property under Section 34.01, the successful bidder does not  
5 exhibit to the officer who conducted the sale an unexpired  
6 statement that complies with Subsection (k) and a tax certificate  
7 showing that no taxes are due on the purchased property, the officer  
8 who conducted the sale shall provide a copy of the officer's return  
9 to the county assessor-collector for each county in which the real  
10 property is located. On receipt of the officer's return, the  
11 county assessor-collector shall file the copy with the county clerk  
12 of the county in which the county assessor-collector serves. The  
13 county clerk shall record the return in records kept for that  
14 purpose and shall index and cross-index the return in the name of  
15 the successful bidder at the auction and each former owner of the  
16 property. The chief appraiser of each appraisal district that  
17 appraises the real property for taxation may list the successful  
18 bidder in the appraisal records of that district as the owner of the  
19 property.

20           (1) The deed executed by the officer conducting the sale  
21 must name the successful bidder as the grantee and recite that the  
22 successful bidder exhibited to that officer:

23           (1) an unexpired written statement issued to the  
24 person in the manner prescribed by this section, showing that the  
25 county assessor-collector of the county in which the sale was  
26 conducted determined that:

27           (A) [~~(1)~~] there are no delinquent ad valorem

1 taxes owed by the person to that county; and

2 (B) [~~(2)~~] for each school district or  
3 municipality having territory in the county there are no known or  
4 reported delinquent ad valorem taxes owed by the person to that  
5 school district or municipality; and

6 (2) a tax certificate showing that no taxes are due on  
7 the purchased property.

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

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