

By: Raymond

H.B. No. 2794

A BILL TO BE ENTITLED

AN ACT

relating to the notice and time for cure that must be provided to certain debtors before foreclosure of a contract lien.

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

SECTION 1. Section 51.002(d), Property Code, is amended to read as follows:

(d) Notwithstanding any agreement to the contrary, the mortgage servicer of the debt shall serve a debtor in default under a deed of trust or other contract lien on real property used as the debtor's residence with written notice by certified mail stating that the debtor is in default under the deed of trust or other contract lien and giving the debtor at least 60 [~~20~~] days to cure the default before notice of sale can be given under Subsection (b). The entire calendar day on which the notice required by this subsection is given, regardless of the time of day at which the notice is given, is included in computing the 60-day [~~20-day~~] notice period required by this subsection, and the entire calendar day on which notice of sale is given under Subsection (b) is excluded in computing the 60-day [~~20-day~~] notice period.

SECTION 2. The change in law made by this Act applies only to a default that occurs on or after the effective date of this Act. A default that occurs before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2013.