

By: Rodriguez of Travis

H.B. No. 3462

A BILL TO BE ENTITLED

AN ACT

relating to the judicial review of a document or an instrument
purporting to create a lien or claim.

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

SECTION 1. Section 51.903(a), Government Code, is amended
to read as follows:

(a) A person who is the purported debtor or obligor or who
owns real or personal property or an interest in real or personal
property and who has reason to believe that the document purporting
to create a lien or a claim, including an assignment or transfer of
the lien or claim, against the real or personal property or an
interest in the real or personal property previously filed or
submitted for filing and recording is fraudulent may complete and
file with the district clerk a motion, verified by affidavit by a
completed form for ordinary certificate of acknowledgment, of the
same type described by Section 121.007, Civil Practice and Remedies
Code, that contains, at a minimum, the information in the following
suggested form:

	MISC. DOCKET NO. _____
In Re: A Purported	In the _____ Judicial District
Lien or Claim Against	In and For _____
(Name of Purported	County, Texas
Debtor)	

Motion for Judicial Review of Documentation or Instrument

Purporting to Create a Lien or Claim

Now Comes (name) and files this motion requesting a judicial

determination of the status of documentation or an instrument purporting to create an interest in real or personal property or a lien or claim on real or personal property or an interest in real or personal property filed in the office of the Clerk of (county name) County, Texas, and in support of the motion would show the court as follows:

I.

(Name), movant herein, is the purported obligor or debtor or person who owns the real or personal property or the interest in real or personal property described in the documentation or instrument.

II.

On (date), in the exercise of the county clerk's official duties as County Clerk of (county name) County, Texas, the county clerk received and filed and recorded the documentation or instrument attached hereto and containing (number) pages. Said documentation or instrument purports to have created a lien on real or personal property or an interest in real or personal property against one (name of purported debtor).

III.

Movant alleges that the documentation or instrument attached hereto is fraudulent, as defined by Section 51.901(c)(2), Government Code, and that the documentation or instrument should therefore not be accorded lien status.

IV.

Movant attests that assertions herein are true and correct.

V.

1 Movant does not request the court to make a finding as to any
2 underlying claim of the parties involved and acknowledges that this
3 motion does not seek to invalidate a legitimate lien. Movant
4 further acknowledges that movant may be subject to sanctions, as
5 provided by Chapter 10, Civil Practice and Remedies Code, if this
6 motion is determined to be frivolous.

7 PRAYER

8 Movant requests the court to review the attached
9 documentation or instrument and enter an order determining whether
10 it should be accorded lien status, together with such other orders
11 as the court deems appropriate.

12 Respectfully submitted,

13 _____

14 (Signature and typed name and address)

15 SECTION 2. Section 51.903(a), Government Code, as amended
16 by this Act, applies only to a motion for judicial review of a
17 document or an instrument purporting to create a lien or claim filed
18 under that section on or after the effective date of this Act. A
19 motion filed before that date is governed by the law in effect
20 immediately before the effective date of this Act, and that law is
21 continued in effect for that purpose.

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