

By: Taylor  
(J. Davis of Harris)

S.B. No. 723

Substitute the following for S.B. No. 723:

By: King of Hemphill

C.S.S.B. No. 723

A BILL TO BE ENTITLED

AN ACT

relating to the location of certain public sales of real property.

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

SECTION 1. Section 34.041, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 34.041. SALE AT PLACE OTHER THAN COURTHOUSE DOOR.

(a) If the public sale of real property [~~land~~] is required by court order or other law to be made at a place other than the courthouse door, sales under this chapter shall be made at the place designated by that court order or other law.

(b) The commissioners court of a county may designate an area other than an area at the county courthouse where public sales of real property under this chapter will take place that is in a public place within a reasonable proximity of the county courthouse as determined by the commissioners court and in a location as accessible to the public as the courthouse door. The commissioners court shall record that designation in the real property records of the county. A designation by a commissioners court under this section is not a ground for challenging or invalidating any sale. Except for a sale under Subsection (a), a sale must be held at an area designated under this subsection if the sale is held on or after the 90th day after the date the designation is recorded. The commissioners court may by order authorize a county official or employee to identify separate locations within the designated area

1 for the conduct of sales under this section and for the conduct of  
2 sales by peace officers under other laws.

3 SECTION 2. Subsection (h), Section 51.002, Property Code,  
4 is amended to read as follows:

5 (h) For the purposes of Subsection (a), the commissioners  
6 court of a county may designate an area other than an area at the  
7 county courthouse where public sales of real property under this  
8 section will take place that is in a public place within a  
9 reasonable proximity of the county courthouse as determined by the  
10 commissioners court and in a location as accessible to the public as  
11 the courthouse door. The commissioners court shall record that  
12 designation in the real property records of the county. A  
13 designation by a commissioners court under this section is not a  
14 ground for challenging or invalidating any sale. A sale must [~~may~~  
15 ~~not~~] be held at an area designated under this subsection if the sale  
16 is held on or after [~~before~~] the 90th day after the date the  
17 designation is recorded. The posting of the notice required by  
18 Subsection (b)(1) of a sale designated under this subsection to  
19 take place at an area other than an area of the courthouse remains  
20 at the courthouse door of the appropriate county.

21 SECTION 3. Subsection (r), Section 34.01, Tax Code, is  
22 amended to read as follows:

23 (r) Except as provided by this subsection, a sale of real  
24 property under this section must take place at the county  
25 courthouse in the county in which the land is located. The  
26 commissioners court of the county may designate an area other than  
27 an area at [~~in~~] the county courthouse [~~or another location in the~~

1 county] where sales under this section will [~~must~~] take place that  
2 is in a public place within a reasonable proximity of the county  
3 courthouse as determined by the commissioners court and in a  
4 location as accessible to the public as the courthouse door. The  
5 commissioners court [~~and~~] shall record that designation [~~any~~  
6 ~~designated area or other location~~] in the real property records of  
7 the county. A designation by a commissioners court under this  
8 section is not a ground for challenging or invalidating any sale. A  
9 sale must be held at an area designated under this subsection if the  
10 sale is held on or after the 90th day after the date the designation  
11 is recorded [~~If the commissioners court designates an area in the~~  
12 ~~courthouse or another location in the county for sales, a sale must~~  
13 ~~occur in that area or at that location. If the commissioners court~~  
14 ~~does not designate an area in the courthouse or another location in~~  
15 ~~the county for sales, a sale must occur in the same area in the~~  
16 ~~courthouse that is designated by the commissioners court for the~~  
17 ~~sale of real property under Section 51.002, Property Code]~~.

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