

By: Taylor

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 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. Except for a sale under Subsection (a), a sale must be held at an area designated under this subsection and may not be held before the 90th day after the date the designation is recorded.

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

(h) For the purposes of Subsection (a), the commissioners court of a county may designate an area other than an area at the

1 county courthouse where public sales of real property under this
2 section will take place that is in a public place within a
3 reasonable proximity of the county courthouse and in a location as
4 accessible to the public as the courthouse door. The commissioners
5 court shall record that designation in the real property records of
6 the county. A sale must ~~[may not]~~ be held at an area designated
7 under this subsection and may not be held before the 90th day after
8 the date the designation is recorded. The posting of the notice
9 required by Subsection (b)(1) of a sale designated under this
10 subsection to take place at an area other than an area of the
11 courthouse remains at the courthouse door of the appropriate
12 county.

13 SECTION 3. Section 34.01, Tax Code, is amended by amending
14 Subsection (r) and adding Subsection (r-1) to read as follows:

15 (r) Except as provided by this subsection, a sale of real
16 property under this section must take place at the county
17 courthouse in the county in which the land is located. The
18 commissioners court of the county may designate an area other than
19 an area at ~~[in]~~ the county courthouse ~~[or another location in the~~
20 ~~county]~~ where sales under this section will ~~[must]~~ take place that
21 is in a public place within a reasonable proximity of the county
22 courthouse and in a location as accessible to the public as the
23 courthouse door. The commissioners court ~~[and]~~ shall record that
24 designation ~~[any designated area or other location]~~ in the real
25 property records of the county. A sale must be held at an area
26 designated under this subsection and may not be held before the 90th
27 day after the date the designation is recorded ~~[If the~~

1 ~~commissioners court designates an area in the courthouse or another~~
2 ~~location in the county for sales, a sale must occur in that area or~~
3 ~~at that location. If the commissioners court does not designate an~~
4 ~~area in the courthouse or another location in the county for sales,~~
5 ~~a sale must occur in the same area in the courthouse that is~~
6 ~~designated by the commissioners court for the sale of real property~~
7 ~~under Section 51.002, Property Code].~~

8 (r-1) If a commissioners court has designated an area where
9 public sales of real property take place under Subsection (r)
10 before September 1, 2013, that will not be in compliance with
11 Subsection (r) after December 31, 2013, the commissioners court
12 shall designate before January 1, 2014, a location for public sales
13 that will comply with Subsection (r), as amended by __.B. ____, 83rd
14 Legislature, Regular Session, 2013. This subsection expires
15 September 1, 2014.

16 SECTION 4. Section 34.01(r), Tax Code, as amended by this
17 Act, applies only to a sale of real property in which notice of the
18 sale under that section is provided on or after the effective date
19 of this Act. A sale in which notice of the sale is provided before
20 the effective date of this Act is subject to the law in effect
21 immediately before that date, and that law is continued in effect
22 for that purpose.

23 SECTION 5. (a) Except as provided by Subsection (b) of
24 this section, this Act takes effect September 1, 2013.

25 (b) Section 34.01(r), Tax Code, as amended by this Act,
26 takes effect January 1, 2014.