

By: Nelson

S.B. No. 947

A BILL TO BE ENTITLED

AN ACT

relating to requirements for an affidavit of adverse possession of real property.

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

SECTION 1. Subchapter B, Chapter 16, Civil Practice and Remedies Code, is amended by adding Section 16.0235 to read as follows:

Sec. 16.0235. AFFIDAVIT OF ADVERSE POSSESSION. (a) In this section, "affidavit of adverse possession" means an affidavit that attests to the date the affiant took actual and visible possession of real property to establish a limitations period to support a claim of adverse possession of the property.

(b) An affidavit of adverse possession is not a document of title.

(c) Not later than the 30th day before the date an affidavit of adverse possession is filed, the affiant must send written notice of the affiant's intent to adversely possess property to the last known address of each person who holds an interest in the property under a deed or other instrument filed in the deed records of the county in which the property is located.

(d) An affidavit of adverse possession must be filed in the deed records of the county in which the real property is located. The affidavit must include:

(1) a legal description of the property that is the

1 subject of the adverse possession;

2 (2) a copy of each notice sent as required by  
3 Subsection (c); and

4 (3) the date the affiant took actual and visible  
5 possession of the property.

6 (e) The county clerk may not record an affidavit of adverse  
7 possession that does not comply with the requirements of this  
8 section.

9 (f) An affidavit that does not comply with the requirements  
10 of this section is void and is not admissible in evidence against  
11 any party in litigation to support a claim or defense based on a  
12 limitations period under this chapter.

13 SECTION 2. The change in law made by this Act applies only  
14 to an affidavit of adverse possession that is filed for record with  
15 a county clerk on or after the effective date of this Act.

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