

By: Miller of Comal

H.B. No. 3316

Substitute the following for H.B. No. 3316:

By: Thompson of Harris

C.S.H.B. No. 3316

A BILL TO BE ENTITLED

AN ACT

relating to the time for recording a durable power of attorney for certain real property transactions.

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

SECTION 1. Section 751.151, Estates Code, is amended to read as follows:

Sec. 751.151. RECORDING FOR REAL PROPERTY TRANSACTIONS REQUIRING EXECUTION AND DELIVERY OF INSTRUMENTS. (a) A durable power of attorney for a real property transaction requiring the execution and delivery of an instrument that is to be recorded, including a release, assignment, satisfaction, mortgage, security agreement, deed of trust, encumbrance, deed of conveyance, oil, gas, or other mineral lease, memorandum of a lease, lien, or other claim or right to real property, must be recorded in the office of the county clerk of the county in which the property is located.

(b) If a durable power of attorney for a real property transaction described by Subsection (a) is not filed for recording as required by that subsection on or before the 10th day after the date the instrument to be recorded in connection with the transaction is filed for recording, the transaction is voidable by any person.

SECTION 2. This Act applies only to a real property transaction entered into on or after the effective date of this Act. A real property transaction entered into before the effective date

C.S.H.B. No. 3316

1 of this Act is governed by the law in effect when the transaction  
2 was entered into, and the former law is continued in effect for that  
3 purpose.

4 SECTION 3. This Act takes effect September 1, 2015.