

By: Miller of Comal

H.B. No. 3316

A BILL TO BE ENTITLED

AN ACT

relating to provision clarifying the timing of the provision of the Texas Probate Code relating to durable power of attorney.

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

SECTION 1. Subchapter D, Subtitle P, Chapter 751, 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) A real property transaction is voidable by any person if the durable power of attorney for a real property transaction is not filed of record with the office of the county clerk on or within 10 days after the date of the filing of the real property transaction.

SECTION 2. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.