By:  Price, et al. (Senate Sponsor - Watson) H.B. No. 1159

(In the Senate - Received from the House April 11, 2019; April 17, 2019, read first time and referred to Committee on State Affairs; April 29, 2019, reported favorably by the following vote: Yeas 8, Nays 0; April 29, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton                 X

Fallon          X

Hall            X

Lucio           X

Nelson          X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to the acknowledgment of a written instrument on behalf of a limited liability company or partnership.

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

SECTION 1.  Section 121.006(b), Civil Practice and Remedies Code, is amended to read as follows:

(b)  In an acknowledgment form "acknowledged" means:

(1)  in the case of a natural person, that the person personally appeared before the officer taking the acknowledgment and acknowledged executing the instrument for the purposes and consideration expressed in it;

(2)  in the case of a person as principal by an attorney-in-fact for the principal, that the attorney-in-fact personally appeared before the officer taking the acknowledgment and that the attorney-in-fact acknowledged executing the instrument as the act of the principal for the purposes and consideration expressed in it;

(3)  in the case of a partnership by a partner, [~~or~~] partners, authorized officer, or agent acting for the partnership, that the partner, [~~or~~] partners, authorized officer, or agent personally appeared before the officer taking the acknowledgment and acknowledged executing the instrument in the capacity stated, as the act of the partnership, for the purposes and consideration expressed in it;

(4)  in the case of a corporation by a corporate officer or agent, that the corporate officer or agent personally appeared before the officer taking the acknowledgment and that the corporate officer or agent acknowledged executing the instrument in the capacity stated, as the act of the corporation, for the purposes and consideration expressed in it; [~~and~~]

(5)  in the case of a person acknowledging as a public officer, trustee, executor or administrator of an estate, guardian, or other representative, that the person personally appeared before the officer taking the acknowledgment and acknowledged executing the instrument by proper authority in the capacity stated and for the purposes and consideration expressed in it; and

(6)  in the case of a limited liability company by a member, manager, authorized officer, or agent acting for the limited liability company, that the member, manager, authorized officer, or agent personally appeared before the officer taking the acknowledgment and acknowledged executing the instrument in the capacity stated, as the act of the limited liability company, for the purposes and consideration expressed in it.

SECTION 2.  Section 121.008(b), Civil Practice and Remedies Code, is amended to read as follows:

(b)  Short forms for certificates of acknowledgment include:

(1)  For a natural person acting in his own right:

State of Texas

County of \_\_\_\_\_\_\_\_\_\_\_\_

This instrument was acknowledged before me on (date) by (name or names of person or persons acknowledging).

(Signature of officer)

(Title of officer)

My commission expires: \_\_\_\_\_\_\_\_

(2)  For a natural person as principal acting by attorney-in-fact:

State of Texas

County of \_\_\_\_\_\_\_\_\_\_\_\_

This instrument was acknowledged before me on (date) by (name of attorney-in-fact) as attorney-in-fact on behalf of (name of principal).

(Signature of officer)

(Title of officer)

My commission expires: \_\_\_\_\_\_\_\_

(3)  For a partnership acting by one or more partners, an authorized officer, or an agent:

State of Texas

County of \_\_\_\_\_\_\_\_\_\_\_\_

This instrument was acknowledged before me on (date) by (name of acknowledging partner, [~~or~~] partners, authorized officer, or agent), (partner(s), authorized officer, or agent) on behalf of (name of partnership), a partnership.

(Signature of officer)

(Title of officer)

My commission expires: \_\_\_\_\_\_\_\_

(4)  For a corporation:

State of Texas

County of \_\_\_\_\_\_\_\_\_\_\_\_

This instrument was acknowledged before me on (date) by (name of officer), (title of officer) of (name of corporation acknowledging) a (state of incorporation) corporation, on behalf of said corporation.

(Signature of officer)

(Title of officer)

My commission expires: \_\_\_\_\_\_\_\_

(5)  For a public officer, trustee, executor, administrator, guardian, or other representative:

State of Texas

County of \_\_\_\_\_\_\_\_\_\_\_\_

This instrument was acknowledged before me on (date) by (name of representative) as (title of representative) of (name of entity or person represented).

(Signature of officer)

(Title of officer)

My commission expires: \_\_\_\_\_\_\_\_

(6)  For a limited liability company:

State of Texas

County of \_\_\_\_\_\_\_\_\_\_\_\_

This instrument was acknowledged before me on (date) by (name of acknowledging member, manager, authorized officer, or agent), a (member, manager, authorized officer, or agent) of (name of limited liability company) on behalf of (name of limited liability company), a limited liability company.

(Signature of officer)

(Title of officer)

My commission expires: \_\_\_\_\_\_\_\_

SECTION 3.  This Act takes effect September 1, 2019.

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