

By: Price, Krause, Meyer, Minjarez, Moody

H.B. No. 1159

Substitute the following for H.B. No. 1159:

By: Meyer

C.S.H.B. No. 1159

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;

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

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

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

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

22 (b) Short forms for certificates of acknowledgment include:

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

24 State of Texas

25 County of _____

26 This instrument was acknowledged before me on (date) by
27 (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 _____

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

5 (Signature of officer)

6 (Title of officer)

7 My commission expires: _____

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

10 State of Texas

11 County of _____

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

15 (Signature of officer)

16 (Title of officer)

17 My commission expires: _____

18 (6) For a limited liability company:

19 State of Texas

20 County of _____

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

26 (Signature of officer)

27 (Title of officer)

1 My commission expires: _____

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