

By: Price

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.

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 acting for the partnership, that the partner or partners personally appeared before the officer taking the acknowledgment and acknowledged executing the instrument 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

1 before the officer taking the acknowledgment and that the corporate
2 officer or agent acknowledged executing the instrument in the
3 capacity stated, as the act of the corporation, for the purposes and
4 consideration expressed in it; ~~and~~

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

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

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

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

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

22 State of Texas

23 County of _____

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

26 (Signature of officer)

27 (Title of officer)

1 My commission expires: _____

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

4 State of Texas
5 County of _____

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

9 (Signature of officer)
10 (Title of officer)

11 My commission expires: _____

12 (3) For a partnership acting by one or more partners:
13 State of Texas

14 County of _____

15 This instrument was acknowledged before me on (date) by
16 (name of acknowledging partner or partners), partner(s) on behalf
17 of (name of partnership), a partnership.

18 (Signature of officer)
19 (Title of officer)

20 My commission expires: _____

21 (4) For a corporation:
22 State of Texas

23 County of _____

24 This instrument was acknowledged before me on (date) by
25 (name of officer), (title of officer) of (name of corporation
26 acknowledging) a (state of incorporation) corporation, on behalf of
27 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, or authorized officer), a member, manager, or authorized officer 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.