

By: Creighton
(Parker)

S.B. No. 2128

Substitute the following for S.B. No. 2128:

By: Bohac

C.S.S.B. No. 2128

A BILL TO BE ENTITLED

AN ACT

relating to the recording by a county clerk of certain documents
concerning real or personal property.

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

SECTION 1. Section 193.003(b), Local Government Code, is
amended to read as follows:

(b) The index must be a cross-index that contains the names
of the grantors and grantees in alphabetical order. If a deed is
made by a sheriff, the index entry must contain the name of the
sheriff and the defendant in execution. If a deed is made by an
executor, administrator, or guardian, the index entry must contain
the name of that person and the name of the person's testator,
intestate, or ward. If a deed is made by an attorney, the index
entry must contain the name of the attorney and the attorney's
constituents. If a deed is made by a commissioner or trustee, the
index entry must contain the name of the commissioner or trustee and
the name of the person whose estate is conveyed. The index entry
for a correction instrument must contain the names of the grantors
and grantees as stated in the correction instrument. The index
entry for a paper document described by Section 12.0011(b)(3),
Property Code, must contain the names of the grantors and grantees.

SECTION 2. Section 12.0011(b), Property Code, is amended to
read as follows:

(b) A paper document concerning real or personal property

may not be recorded or serve as notice of the paper document unless:

(1) the paper document contains an original signature or signatures that are acknowledged, sworn to with a ~~[proper]~~ jurat, or proved according to law; ~~[or]~~

(2) the paper document is attached as an exhibit to a paper affidavit or other document that has an original signature or signatures that are acknowledged, sworn to with a ~~[proper]~~ jurat, or proved according to law; or

(3) the paper document is a tangible copy of an electronic record that has been declared to be a true and correct copy of the electronic record as provided by Section 12.0013 by a notary public or other officer who may take an acknowledgment or proof of a written instrument under Section 121.001, Civil Practice and Remedies Code.

SECTION 3. Chapter 12, Property Code, is amended by adding Section 12.0013 to read as follows:

Sec. 12.0013. RECORDATION OF PAPER OR TANGIBLE COPY OF ELECTRONIC RECORD. (a) In this section:

(1) "Document" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(2) "Electronic," "electronic record," and "electronic signature" have the meanings assigned by Section 322.002, Business & Commerce Code.

(b) A county clerk shall record a paper or tangible copy of an electronic record that is otherwise eligible under state law to be recorded in the real property records if the paper or tangible

copy of the electronic record:

(1) contains an image of an electronic signature or signatures that are acknowledged, sworn to with a jurat, or proved according to law; and

(2) has been declared by a notary public or other officer who may take an acknowledgment or proof under Section 121.001, Civil Practice and Remedies Code, to be a true and correct copy of the electronic record as provided by Subsection (d).

(c) A document that is a paper or tangible copy of an electronic record and is printed and declared to be a true and correct copy as provided by Subsection (d) satisfies any requirement of law that, as a condition for recording, the document:

(1) be an original or be in writing;

(2) be signed or contain an original signature, if the document contains an image of an electronic signature of the person required to sign the document; and

(3) be notarized, acknowledged, verified, witnessed, made under oath, sworn to with a jurat, or proved according to law, if the document contains an image of an electronic signature of the person authorized to perform that act and all other information required to be included.

(d) A notary public or other officer who may take an acknowledgment or proof under Section 121.001, Civil Practice and Remedies Code, may declare that a paper or tangible copy of an electronic record is a true and correct copy of an electronic record by:

1 (1) executing and attaching an official seal to a
2 tangible paper declaration under penalty of perjury; and

3 (2) affixing or attaching the declaration to the
4 printed paper or tangible copy of an electronic record.

5 (e) The form of declaration required under Subsection (d)
6 must be substantially as follows:

7 DECLARATION OF AUTHENTICITY

8 State of _____

9 County of _____

10 The attached document, _____(insert title), dated
11 _____ and containing ____ pages, is a true and correct copy of
12 an electronic record printed by me or under my supervision. At the
13 time of printing, no security features present on the electronic
14 record indicated any changes or errors in an electronic signature
15 or other information in the electronic record after the electronic
16 record's creation or execution. This declaration is made under
17 penalty of perjury.

18 Signed this ____ day of _____, ____.

19 _____(signature of notary public or other officer)

20 (seal of office)

21 _____(printed name of notary public or other officer)

22 My commission expires: _____

23 SECTION 4. This Act takes effect September 1, 2019.