

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 8, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1176 by Darby (Relating to technical defects in instruments affecting real property.),
As Engrossed

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Civil Practice and Remedies Code relating to the limitations period for filing causes of action for the recovery of property or an interest in real property conveyed by an instrument with a defect. The bill would decrease the limitations period for such a cause of action to six months after the instrument is filed rather than the current two-year period. The bill would also provide that an instrument with certain defects affecting real property that is filed with a county for longer than six months, instead of the current two years, is considered to be lawfully recorded.

Based on the analysis of the Office of Court Administration and the General Land Office, the provisions of the bill could be implemented with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 305 General
Land Office and Veterans' Land Board

LBB Staff: WP, CMa, SLE, MW, PBO