

1-1 By: Hughes S.B. No. 801  
 1-2 (In the Senate - Filed February 9, 2023; March 1, 2023, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 March 13, 2023, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; March 13, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hughes	X			
1-8 Paxton	X			
1-9 Bettencourt	X			
1-10 Birdwell			X	
1-11 LaMantia	X			
1-12 Menéndez			X	
1-13 Middleton	X			
1-14 Parker	X			
1-15 Perry	X			
1-16 Schwertner	X			
1-17 Zaffirini	X			

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to an instrument that names a trust as a party.  
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-23 SECTION 1. Subchapter D, Chapter 114, Property Code, is  
 1-24 amended by adding Section 114.087 to read as follows:  
 1-25 Sec. 114.087. INSTRUMENT NAMING TRUST AS PARTY. (a) The  
 1-26 trustee of a trust is considered for all purposes to be the named  
 1-27 party to an instrument that names the trust as a party to the  
 1-28 instrument in any capacity, unless the trust is a legal entity under  
 1-29 state law.  
 1-30 (b) Subsection (a) is effective as of the effective date of  
 1-31 the recorded original instrument.  
 1-32 (c) The trustee of a trust that is the named party to an  
 1-33 instrument may be, but is not required to be, identified by a  
 1-34 correction instrument under Section 5.028.  
 1-35 (d) A document purporting to be a certification of trust  
 1-36 under Section 114.086 that is recorded in the county in which real  
 1-37 property of the trust is located is presumed to correctly identify  
 1-38 the trust and the trustee and may be relied upon by a good faith  
 1-39 purchaser or lender for value.  
 1-40 SECTION 2. Section 5.028(a), Property Code, is amended to  
 1-41 read as follows:  
 1-42 (a) A person who has personal knowledge of facts relevant to  
 1-43 the correction of a recorded original instrument of conveyance may  
 1-44 prepare or execute a correction instrument to make a nonmaterial  
 1-45 change that results from a clerical error, including:  
 1-46 (1) a correction of an inaccurate or incorrect element  
 1-47 in a legal description, such as a distance, angle, direction,  
 1-48 bearing or chord, a reference to a plat or other plat information, a  
 1-49 lot or block number, a unit, building designation, or section  
 1-50 number, an appurtenant easement, a township name or number, a  
 1-51 municipality, county, or state name, a range number or meridian, a  
 1-52 certified survey map number, or a subdivision or condominium name;  
 1-53 or  
 1-54 (2) an addition, correction, or clarification of:  
 1-55 (A) a party's name, including the spelling of a  
 1-56 name, a first or middle name or initial, a suffix, an alternate name  
 1-57 by which a party is known, the identity of the trustee of a trust  
 1-58 named as party, or a description of an entity as a corporation,  
 1-59 company, or other type of organization;  
 1-60 (B) a party's marital status;  
 1-61 (C) the date on which the conveyance was

2-1 executed;  
2-2 (D) the recording data for an instrument  
2-3 referenced in the correction instrument; or  
2-4 (E) a fact relating to the acknowledgment or  
2-5 authentication.

2-6 SECTION 3. The changes in law made by this Act apply to an  
2-7 instrument executed on, before, or after the effective date of this  
2-8 Act.

2-9 SECTION 4. This Act takes effect September 1, 2023.

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