By:  West S.B. No. 648

(In the Senate - Filed December 18, 2024; February 3, 2025, read first time and referred to Committee on Business & Commerce; April 16, 2025, reported adversely, with favorable Committee Substitute by the following vote: Yeas 10, Nays 0, one present not voting; April 16, 2025, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Schwertner           X

King                 X

Blanco               X

Campbell             X

Creighton            X

Johnson              X

Kolkhorst            X

Menéndez                             X

Middleton            X

Nichols              X

Zaffirini            X

COMMITTEE SUBSTITUTE FOR S.B. No. 648 By:  Blanco

A BILL TO BE ENTITLED

AN ACT

relating to recording requirements for certain instruments concerning real property.

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

SECTION 1.  Section 12.001, Property Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b)  An instrument conveying real property may not be recorded unless:

(1)  if the instrument is filed for recording by an attorney, title agent, title company, or escrow company that provides closing, settlement, or other comparable transaction services in connection with the transfer of real property, or a person acting on behalf of the attorney, agent, or company, the instrument [~~it~~] is signed by the grantor and:

(A)  [~~and~~] acknowledged or sworn to by the grantor in the presence of two or more credible subscribing witnesses; or

(B)  acknowledged or sworn to by the grantor before and certified by an officer authorized to take acknowledgements or oaths, as applicable; and

(2)  if the instrument is filed for recording by an individual other than a person described by Subdivision (1), the instrument is:

(A)  signed by the grantor;

(B)  acknowledged or sworn to by the grantor and grantee in the presence of two or more credible subscribing witnesses; and

(C)  acknowledged or sworn to by the grantor, the grantee, and each subscribing witness before and certified by an officer authorized to take acknowledgements or oaths, as applicable.

(b-1)  An affidavit of heirship concerning heirship to real property that is filed for recording by an individual described by Subsection (b)(2) may not be recorded unless it is:

(1)  signed by the individual making the affidavit;

(2)  acknowledged or sworn to by the individual making the affidavit and each heir to real property named in the affidavit that is not under a legal disability in the presence of two credible subscribing witnesses with knowledge of the facts in the affidavit; and

(3)  acknowledged or sworn to by the individual making the affidavit, each heir to real property named in the affidavit that is not under a legal disability, and each subscribing witness with knowledge of the facts in the affidavit before and certified by an officer authorized to take acknowledgements or oaths, as applicable.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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