

By: Anchía

H.B. No. 4560

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 only closing, settlement, or other comparable transaction services in connection with the transfer of real property, 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

1 grantee in the presence of two or more credible subscribing
2 witnesses; and

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

7 (b-1) An affidavit of heirship may not be recorded unless it
8 is:

9 (1) signed by the individual making the affidavit;

10 (2) acknowledged or sworn to by the individual making
11 the affidavit and each heir named in the affidavit in the presence
12 of two credible subscribing witnesses; and

13 (3) acknowledged or sworn to by the individual making
14 the affidavit, each heir named in the affidavit, and each
15 subscribing witness before and certified by an officer authorized
16 to take acknowledgements or oaths, as applicable.

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