

By: West, Blanco  
Hinojosa of Nueces

S.B. No. 647

A BILL TO BE ENTITLED

AN ACT

relating to the filing or recording of documents or instruments conveying or purporting to convey an interest in real or personal property.

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

SECTION 1. Section 51.901, Government Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (c-1) and (d-1) to read as follows:

(a) If a clerk of the supreme court, clerk of the court of criminal appeals, clerk of a court of appeals, district clerk, county clerk, district and county clerk, or municipal clerk has a reasonable basis to believe in good faith that a document or instrument previously filed or recorded or offered or submitted for filing or for filing and recording is fraudulent, the clerk shall:

(1) if the document is a purported judgment or other document purporting to memorialize or evidence an act, an order, a directive, or process of a purported court, provide written notice of the filing, recording, or submission for filing or for filing and recording to the stated or last known address of the person against whom the purported judgment, act, order, directive, or process is rendered; or

(2) if the document or instrument purports to create a lien against or assert a claim to [~~on real or personal property~~] or an interest in real or personal property, provide written notice of

1 the filing, recording, or submission for filing or for filing and  
2 recording to the stated or last known address of:

3           (A) the person named in the document or  
4 instrument as the grantor, obligor, or debtor, and to any person  
5 named as the grantee or as owning or acquiring any interest in the  
6 real or personal property described in the document or instrument;  
7 and

8           (B) as applicable, the last known owner of the  
9 property if that owner's address is different from the address of  
10 the grantor, obligor, or debtor named in the document or  
11 instrument.

12           (c) For purposes of this section, a document or instrument  
13 is presumed to be fraudulent if:

14           (1) the document is a purported judgment or other  
15 document purporting to memorialize or evidence an act, an order, a  
16 directive, or process of:

17           (A) a purported court or a purported judicial  
18 entity not expressly created or established under the constitution  
19 or the laws of this state or of the United States; or

20           (B) a purported judicial officer of a purported  
21 court or purported judicial entity described by Paragraph (A);

22           (2) the document or instrument purports to create a  
23 lien against or assert a claim to [~~against real or personal~~  
24 ~~property~~] or an interest in real or personal property and:

25           (A) is not a document or instrument provided for  
26 by the constitution or laws of this state or of the United States;

27           (B) is not created by implied or express consent

1 or agreement of the grantor, obligor, debtor, or the owner of the  
2 real or personal property or an interest in the real or personal  
3 property, if required under the laws of this state, or by implied or  
4 express consent or agreement of an agent, fiduciary, or other  
5 representative of that person; or

6 (C) is not an equitable, constructive, or other  
7 lien imposed by a court with jurisdiction created or established  
8 under the constitution or laws of this state or of the United  
9 States; or

10 (3) the document or instrument purports to create a  
11 lien or assert a claim against real or personal property or an  
12 interest in real or personal property and the document or  
13 instrument is filed by an inmate or on behalf of an inmate.

14 (c-1) For purposes of this section, a document or instrument  
15 is presumed to not be fraudulent if the prospective filer provides  
16 to the county clerk, at the time of filing or on the clerk's  
17 request, additional documentation such as a contract for the sale  
18 of or another document creating a lien against or asserting a claim  
19 to the property subject to the document or instrument that contains  
20 the signature of the property owner.

21 (d) If a county clerk believes in good faith that a document  
22 or instrument filed, recorded, or submitted for filing or recording  
23 with the county clerk to create a lien against or assert a claim to  
24 or an interest in real or personal property is fraudulent, the clerk  
25 shall:

26 (1) request the assistance of the county or district  
27 attorney to determine whether the document or instrument is

1 fraudulent before filing or recording the document or instrument;

2           (2) request that the prospective filer provide to the  
3 county clerk additional documentation supporting the existence of  
4 the lien, claim, or interest, such as a contract or other document  
5 that contains the signature of the alleged owner, debtor, grantor,  
6 or obligor [~~obligor's signature~~]; [~~and~~]

7           (3) forward any additional documentation received to  
8 the county or district attorney; and

9           (4) refuse to file or record the document or  
10 instrument submitted for filing or recording if:

11                 (A) the district or county attorney whose  
12 assistance the clerk requested under Subdivision (1) determines  
13 there is probable cause to believe the document or instrument is  
14 fraudulent; or

15                 (B) the prospective filer does not provide the  
16 clerk the additional documentation requested under Subdivision  
17 (2).

18           (d-1) The additional documentation described by Subsection  
19 (c-1) or (d)(2):

20                 (1) is confidential and exempt from disclosure under  
21 Chapter 552; and

22                 (2) may be submitted to a county clerk by an individual  
23 or entity without civil process.

24           SECTION 2. Section 12.003(b), Civil Practice and Remedies  
25 Code, is amended to read as follows:

26           (b) Notwithstanding any other law, a person or a person  
27 licensed or regulated by Title 11, Insurance Code (the Texas Title

Insurance Act), does not have a duty to disclose a fraudulent, as described by Section 51.901(c), Government Code, court record, document, or instrument purporting to create a lien against or ~~[purporting to]~~ assert a claim to ~~[on real property]~~ or an interest in real property in connection with a sale, conveyance, mortgage, or other transfer of the real property or interest in real property.

SECTION 3. The changes in law made by this Act apply only to a document or instrument conveying or purporting to convey an interest in real or personal property filed, recorded, or offered for filing or recording on or after the effective date of this Act. A document or instrument conveying or purporting to convey an interest in real or personal property filed, recorded, or offered for filing or recording before the effective date of this Act is governed by the law in effect on the day the document or instrument was filed, recorded, or offered for filing or recording, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2025.