

By: West, et al.
(Anchía, Lujan, Button, Longoria)

S.B. No. 647

Substitute the following for S.B. No. 647:

By: Button

C.S.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), (d-1), and (d-2) 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:

16 (1) provides to the county clerk, at the time of filing
17 or on the clerk's request, additional documentation such as a
18 contract for the sale of or another document creating a lien against
19 or asserting a claim to the property subject to the document or
20 instrument that contains the signature of the property owner; or

21 (2) is a person engaged solely in the business of
22 providing closing, settlement, or other transactional services in
23 connection with the transfer of real property, including an
24 attorney, title agent, title company, or escrow company.

25 (d) If a county clerk believes in good faith that a document
26 or instrument filed, recorded, or submitted for filing or recording
27 with the county clerk to create a lien against or assert a claim to

1 or an interest in real or personal property is fraudulent, the clerk
2 shall:

3 (1) request the assistance of the county or district
4 attorney to determine whether the document or instrument is
5 fraudulent before filing or recording the document or instrument;

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

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

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

15 (A) the district or county attorney whose
16 assistance the clerk requested under Subdivision (1) determines
17 there is probable cause to believe the document or instrument is
18 fraudulent; or

19 (B) the prospective filer does not provide the
20 clerk the additional documentation requested under Subdivision
21 (2).

22 (d-1) A county clerk who, in good faith, files or records,
23 or refuses to file or record, a document or instrument described by
24 Subsection (d) is immune from liability and suit arising out of the
25 filing, recording, or refusal to file or record the document or
26 instrument. A county commissioners court may not discipline,
27 penalize, or otherwise take an adverse employment action against

1 the clerk for that filing, recording, or refusal.

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

4 (1) is confidential and exempt from disclosure under
5 Chapter 552; and

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

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

10 (b) Notwithstanding any other law, a person or a person
11 licensed or regulated by Title 11, Insurance Code (the Texas Title
12 Insurance Act), does not have a duty to disclose a fraudulent, as
13 described by Section 51.901(c), Government Code, court record,
14 document, or instrument purporting to create a lien against or
15 ~~[purporting to]~~ assert a claim to ~~[on real property]~~ or an interest
16 in real property in connection with a sale, conveyance, mortgage,
17 or other transfer of the real property or interest in real property.

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

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