

1-1 By: West S.B. No. 647  
1-2 (In the Senate - Filed December 18, 2024; February 3, 2025,  
1-3 read first time and referred to Committee on Business & Commerce;  
1-4 April 16, 2025, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 10, Nays 0, one present not  
1-6 voting; April 16, 2025, sent to printer.)

1-7	COMMITTEE VOTE			
1-8		Yea	Nay	Absent
1-9	Schwertner	X		
1-10	King	X		
1-11	Blanco	X		
1-12	Campbell	X		
1-13	Creighton	X		
1-14	Johnson	X		
1-15	Kolkhorst	X		
1-16	Menéndez			X
1-17	Middleton	X		
1-18	Nichols	X		
1-19	Zaffirini	X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 647 By: Blanco

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to the filing or recording of documents or instruments  
1-24 conveying or purporting to convey an interest in real or personal  
1-25 property.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-27 SECTION 1. Section 51.901, Government Code, is amended by  
1-28 amending Subsections (a), (c), and (d) and adding Subsections (c-1)  
1-29 and (d-1) to read as follows:

1-30 (a) If a clerk of the supreme court, clerk of the court of  
1-31 criminal appeals, clerk of a court of appeals, district clerk,  
1-32 county clerk, district and county clerk, or municipal clerk has a  
1-33 reasonable basis to believe in good faith that a document or  
1-34 instrument previously filed or recorded or offered or submitted for  
1-35 filing or for filing and recording is fraudulent, the clerk shall:

1-36 (1) if the document is a purported judgment or other  
1-37 document purporting to memorialize or evidence an act, an order, a  
1-38 directive, or process of a purported court, provide written notice  
1-39 of the filing, recording, or submission for filing or for filing and  
1-40 recording to the stated or last known address of the person against  
1-41 whom the purported judgment, act, order, directive, or process is  
1-42 rendered; or

1-43 (2) if the document or instrument purports to create a  
1-44 lien against or assert a claim to to ~~[on real or personal property]~~ or  
1-45 an interest in real or personal property, provide written notice of  
1-46 the filing, recording, or submission for filing or for filing and  
1-47 recording to the stated or last known address of:

1-48 (A) the person named in the document or  
1-49 instrument as the grantor, obligor, or debtor, and to any person  
1-50 named as the grantee or as owning or acquiring any interest in the  
1-51 real or personal property described in the document or instrument;  
1-52 and

1-53 (B) as applicable, the last known owner of the  
1-54 property if that owner's address is different from the address of  
1-55 the grantor, obligor, or debtor named in the document or  
1-56 instrument.

1-57 (c) For purposes of this section, a document or instrument  
1-58 is presumed to be fraudulent if:

1-59 (1) the document is a purported judgment or other  
1-60 document purporting to memorialize or evidence an act, an order, a

directive, or process of:

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

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

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

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

(B) is not created by implied or express consent or agreement of the grantor, obligor, debtor, or the owner of the real or personal property or an interest in the real or personal property, if required under the laws of this state, or by implied or express consent or agreement of an agent, fiduciary, or other representative of that person; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Notwithstanding any other law, a person or a person 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

3-1 ~~[purporting to]~~ assert a claim to ~~[on real property]~~ or an interest  
3-2 in real property in connection with a sale, conveyance, mortgage,  
3-3 or other transfer of the real property or interest in real property.  
3-4 SECTION 3. The changes in law made by this Act apply only to  
3-5 a document or instrument conveying or purporting to convey an  
3-6 interest in real or personal property filed, recorded, or offered  
3-7 for filing or recording on or after the effective date of this Act.  
3-8 A document or instrument conveying or purporting to convey an  
3-9 interest in real or personal property filed, recorded, or offered  
3-10 for filing or recording before the effective date of this Act is  
3-11 governed by the law in effect on the day the document or instrument  
3-12 was filed, recorded, or offered for filing or recording, and the  
3-13 former law is continued in effect for that purpose.  
3-14 SECTION 4. This Act takes effect September 1, 2025.

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