

BILL ANALYSIS

Senate Research Center
77R8339 CAS-F

H.B. 2804
By: Kolkhorst (Ogden)
Jurisprudence
5/8/2001
Engrossed

DIGEST AND PURPOSE

Abstracts of judgments assist in the collection of judgments by creating an involuntary lien against the non-exempt real property of a judgment debtor. Since an abstract is used to create an involuntary lien, it is important to verify the information contained in the abstract to ensure its accuracy. H.B. 2804 requires a court or court clerk, upon request, to prepare and certify an abstract of a judgment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.013, Property Code, to delete a reference to an abstract of a judgment.

SECTION 2. Amends Sections 52.002, 52.004, and 52.005, Property Code, as follows:

Sec. 52.002. (a) Authorizes a judge or justice of the peace who rendered a judgment in favor of a person or the clerk of the court in which the judgment is rendered, on application of the person or the person's agent, attorney, or assignee, to prepare, certify, and deliver to the applicant an abstract of the judgment. Requires the applicant for the abstract to pay the fee authorized by law for providing the abstract.

(b) Authorizes the attorney of a person in whose favor a judgment is rendered in a small claims court or a justice court or a person in whose favor a judgment is rendered in a court other than a small claims court or a justice court or that person's agent, attorney, or assignee to prepare the abstract of the judgment. Makes a conforming change.

Deletes Subsection (c), regarding a clerk preparing the abstract.

Sec. 52.004. Requires a county clerk to immediately record in the county real property records, rather than judgment records, each properly authenticated abstract of judgment that is presented for recording. Deletes text regarding the format of each recorded abstract. Makes conforming changes.

Sec. 52.005. Authorizes satisfaction of a judgment in whole or in part to be shown by recordation of certain information.

SECTION 3. Repealer: Section 192.004, Local Government Code.

SECTION 4. Effective date: September 1, 2001.
Makes application of this Act retroactive.