

1 AN ACT

2 relating to the location of a sale of real property under a contract  
3 lien.

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

5 SECTION 1. Section 51.002, Property Code, is amended by  
6 amending Subsection (a) and adding Subsection (h) to read as  
7 follows:

8 (a) A sale of real property under a power of sale conferred  
9 by a deed of trust or other contract lien must be a public sale at  
10 auction held between 10 a.m. and 4 p.m. of the first Tuesday of a  
11 month. Except as provided by Subsection (h), the [The] sale must  
12 take place at the county courthouse in the county in which the land  
13 is located, or if the property is located in more than one county,  
14 the sale may be made at the courthouse in any county in which the  
15 property is located. The commissioners court shall designate the  
16 area at the courthouse where the sales are to take place and shall  
17 record the designation in the real property records of the county.  
18 The sale must occur in the designated area. If no area is  
19 designated by the commissioners court, the notice of sale must  
20 designate the area [at the courthouse] where the sale covered by  
21 that notice is to take place, and the sale must occur in that area.

22 (h) For the purposes of Subsection (a), the commissioners  
23 court of a county may designate an area other than an area at the  
24 courthouse where sales under this section will take place that is in

1 a public place within a reasonable proximity of the county  
2 courthouse and in a location as accessible to the public as the  
3 courthouse door. The commissioners court shall record that  
4 designation in the real property records of the county. The posting  
5 of the notice required by Subsection (b)(1) of a sale designated  
6 under this subsection to take place at an area other than an area of  
7 the courthouse remains at the courthouse door of the appropriate  
8 county.

9           SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2005.

David Newkirk

President of the Senate

Tom Cudde

Speaker of the House

I certify that H.B. No. 961 was passed by the House on March 31, 2005, by the following vote: Yeas 147, Nays 0, 2 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 961 was passed by the Senate on May 19, 2005, by the following vote: Yeas 31, Nays 0.

Datsy Spaw  
Secretary of the Senate

APPROVED: 17 JUNE '05

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:20 AM, O'CLOCK  
Roger Williams  
Secretary of State