

Chapter 678

S.B. No. 2128

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AN ACT

relating to the recording by a county clerk of certain documents concerning real or personal property.

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

SECTION 1. Section 193.003(b), Local Government Code, is amended to read as follows:

(b) The index must be a cross-index that contains the names of the grantors and grantees in alphabetical order. If a deed is made by a sheriff, the index entry must contain the name of the sheriff and the defendant in execution. If a deed is made by an executor, administrator, or guardian, the index entry must contain the name of that person and the name of the person's testator, intestate, or ward. If a deed is made by an attorney, the index entry must contain the name of the attorney and the attorney's constituents. If a deed is made by a commissioner or trustee, the index entry must contain the name of the commissioner or trustee and the name of the person whose estate is conveyed. The index entry for a correction instrument must contain the names of the grantors and grantees as stated in the correction instrument. The index entry for a paper document described by Section 12.0011(b)(3), Property Code, must contain the names of the grantors and grantees.

SECTION 2. Section 12.0011(b), Property Code, is amended to read as follows:

(b) A paper document concerning real or personal property

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1 may not be recorded or serve as notice of the paper document unless:

2 (1) the paper document contains an original signature
3 or signatures that are acknowledged, sworn to with a [~~proper~~]
4 jurat, or proved according to law; [~~or~~]

5 (2) the paper document is attached as an exhibit to a
6 paper affidavit or other document that has an original signature or
7 signatures that are acknowledged, sworn to with a [~~proper~~] jurat,
8 or proved according to law; or

9 (3) the paper document is a tangible copy of an
10 electronic record that has been declared to be a true and correct
11 copy of the electronic record as provided by Section 12.0013 by a
12 notary public or other officer who may take an acknowledgment or
13 proof of a written instrument under Section 121.001, Civil Practice
14 and Remedies Code.

15 SECTION 3. Chapter 12, Property Code, is amended by adding
16 Section 12.0013 to read as follows:

17 Sec. 12.0013. RECORDATION OF PAPER OR TANGIBLE COPY OF
18 ELECTRONIC RECORD. (a) In this section:

19 (1) "Document" means information that is inscribed on
20 a tangible medium or that is stored in an electronic or other medium
21 and is retrievable in perceivable form.

22 (2) "Electronic," "electronic record," and
23 "electronic signature" have the meanings assigned by Section
24 322.002, Business & Commerce Code.

25 (b) A county clerk shall record a paper or tangible copy of
26 an electronic record that is otherwise eligible under state law to
27 be recorded in the real property records if the paper or tangible

1 copy of the electronic record:

2 (1) contains an image of an electronic signature or
3 signatures that are acknowledged, sworn to with a jurat, or proved
4 according to law; and

5 (2) has been declared by a notary public or other
6 officer who may take an acknowledgment or proof under Section
7 121.001, Civil Practice and Remedies Code, to be a true and correct
8 copy of the electronic record as provided by Subsection (d).

9 (c) A document that is a paper or tangible copy of an
10 electronic record and is printed and declared to be a true and
11 correct copy as provided by Subsection (d) satisfies any
12 requirement of law that, as a condition for recording, the
13 document:

14 (1) be an original or be in writing;

15 (2) be signed or contain an original signature, if the
16 document contains an image of an electronic signature of the person
17 required to sign the document; and

18 (3) be notarized, acknowledged, verified, witnessed,
19 made under oath, sworn to with a jurat, or proved according to law,
20 if the document contains an image of an electronic signature of the
21 person authorized to perform that act and all other information
22 required to be included.

23 (d) A notary public or other officer who may take an
24 acknowledgment or proof under Section 121.001, Civil Practice and
25 Remedies Code, may declare that a paper or tangible copy of an
26 electronic record is a true and correct copy of an electronic record
27 by:

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1 (1) executing and attaching an official seal to a
2 tangible paper declaration under penalty of perjury; and

3 (2) affixing or attaching the declaration to the
4 printed paper or tangible copy of an electronic record.

5 (e) The form of declaration required under Subsection (d)
6 must be substantially as follows:

7 DECLARATION OF AUTHENTICITY

8 State of _____

9 County of _____

10 The attached document, _____ (insert title), dated
11 _____ and containing __ pages, is a true and correct copy of
12 an electronic record printed by me or under my supervision. At the
13 time of printing, no security features present on the electronic
14 record indicated any changes or errors in an electronic signature
15 or other information in the electronic record after the electronic
16 record's creation or execution. This declaration is made under
17 penalty of perjury.

18 Signed this ____ day of _____, ____.

19 _____ (signature of notary public or other officer)

20 (seal of office)

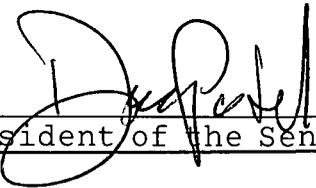
21 _____ (printed name of notary public or other officer)

22 My commission expires: _____

23 SECTION 4. This Act takes effect September 1, 2019.

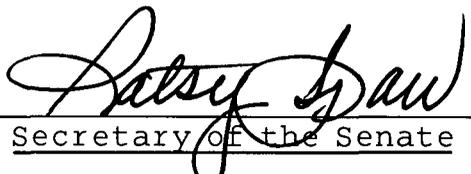
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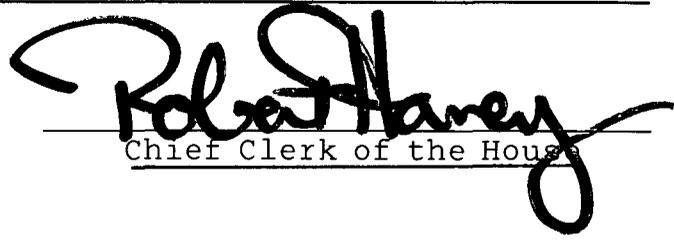

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 2128 passed the Senate on April 17, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2019, by the following vote: Yeas 30, Nays 0. _____

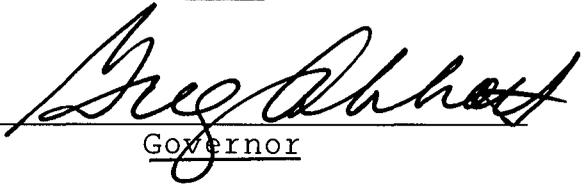

Secretary of the Senate

I hereby certify that S.B. No. 2128 passed the House, with amendment, on May 22, 2019, by the following vote: Yeas 144, Nays 0, two present not voting. _____


Chief Clerk of the House

Approved:

6-9-2019
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:00 pm O'CLOCK

JUN 10 2019

Secretary of State