

CHAPTER 291

H.B. No. 1143

AN ACT

relating to an action for recovery of real property conveyed by an instrument with certain technical defects.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 16.033(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person with a right of action for the recovery of real property conveyed by an instrument with one of the following defects must bring suit not later than *four* [10] years after the day the instrument was recorded with the county clerk of the county where the real property is located:

- (1) lack of the signature of a proper corporate officer, *partner, or company officer, manager, or member*;
- (2) lack of a corporate seal;
- (3) failure of the record to show the corporate seal used;
- (4) failure of the record to show authority of the board of directors or stockholders of a corporation, *partners of a partnership, or officers, managers, or members of a company*;
- (5) execution and delivery of the instrument by a corporation, *partnership, or other company* that had been dissolved, whose charter had expired, or whose franchise had been canceled, withdrawn, or forfeited;

(6) acknowledgment of the instrument in an individual, rather than a representative or official, capacity;

(7) execution of the instrument by a trustee without record of the authority of the trustee or proof of the facts recited in the instrument;

(8) ~~[failure of the public officer taking the acknowledgment to affix the official seal to the instrument];~~

~~[(9)] failure of the record or instrument to show an acknowledgment or jurat that complies with applicable law [the notarial seal]; or~~

(9) [(10)] wording of the stated consideration that may or might create an implied lien in favor of the grantor.

SECTION 2. This Act takes effect September 1, 1993, and applies only to a suit that is filed on or after that date. A suit that is filed before the effective date of this Act is governed by the law in effect at the time the suit is filed, and that law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 15, 1993, by a non-record vote; passed by the Senate on May 12, 1993: Yeas 31, Nays 0.

Approved May 26, 1993.

Effective September 1, 1993.