

CHAPTER 444

H.B. No. 452

AN ACT

relating to the notice required for forfeiture and acceleration of indebtedness under an executory contract for conveyance of real property.

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

SECTION 1. Section 5.062, Property Code, is amended to read as follows:

Sec. 5.062. NOTICE. (a) Notice under Section 5.061 of this code must be in writing. If the notice is mailed, it must be by registered or certified mail. The notice must be conspicuous and printed in 10-point boldfaced type or uppercase typewritten letters, and must include the statement:

NOTICE

YOU ARE LATE IN MAKING YOUR PAYMENT UNDER THE CONTRACT TO BUY YOUR HOME. UNLESS YOU MAKE THE PAYMENT BY *(date)* THE SELL-

ER HAS THE RIGHT TO TAKE POSSESSION OF YOUR HOME AND TO KEEP ALL PAYMENTS YOU HAVE MADE TO DATE.

(b) *The notice must also specify:*

- (1) the delinquent amount, itemized into principal and interest;*
- (2) any additional charges claimed, such as late charges or attorney's fees; and*
- (3) the period to which the delinquency and additional charges relate.*

(c) Notice by mail is given when it is mailed to the purchaser's residence or place of business. Notice by other writing is given when it is delivered to the purchaser at the purchaser's residence or place of business. *The affidavit of a person knowledgeable of the facts to the effect that notice was given is prima facie evidence of notice in an action involving a subsequent bona fide purchaser for value if the purchaser is not in possession of the real property and if the stated time to avoid the forfeiture has expired. A bona fide subsequent purchaser for value who relies upon the affidavit under this subsection shall take title free and clear of the contract.*

SECTION 2. This Act takes effect September 1, 1993.

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 6, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 452 on May 24, 1993, by a non-record vote; passed by the Senate, with amendments, on May 20, 1993, by a viva-voce vote.

Approved June 6, 1993.

Effective Sept. 1, 1993.