

CHAPTER 349

S.B. No. 355

AN ACT

relating to the right of redemption of real property sold at a tax sale.

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

SECTION 1. Section 34.21, Tax Code, is amended to read as follows:

Sec. 34.21. **RIGHT OF REDEMPTION.** (a) The owner of real property sold at a tax sale that was the residence homestead of the owner or that was land designated for agricultural use when the suit to collect the tax was filed may redeem the property within two years after the date on which the purchaser's deed is filed for record by paying the purchaser the amount the purchaser [he] bid for the property, the amount of the deed recording fee, and the amount paid by the purchaser as taxes, penalties, interest, and costs on the property, plus 25 percent of the aggregate total if the property is redeemed during the first year of the redemption period or 50 percent of the aggregate total if the property is redeemed during the second year of the redemption period.

(b) *The owner of real property sold at a tax sale other than property covered by Subsection (a) may redeem the property within six months after the date on which the purchaser's deed is filed for record by paying the purchaser the amount the purchaser bid for the property, the amount of the deed recording fee, and the amount paid by the purchaser as taxes, penalties, interest, and costs on the property, plus 25 percent of the aggregate total.*

(c) If the owner of the real property makes an affidavit that he has made diligent search in the county in which the property is located for the purchaser at the tax sale and has failed to find him, that the purchaser at the sale is not a resident of the county in which the property is located, that he and the purchaser cannot agree on the amount of redemption money due, or that the purchaser refuses to give him a quitclaim deed to the property, the owner may redeem the property [land] by paying the required amount as prescribed by Subsection (a) or (b), as applicable, to the assessor-collector for the county in which the property is located. The assessor-collector receiving the payment shall give the owner a signed receipt witnessed by two persons. The receipt, when recorded, is notice to all persons that the property described has been redeemed. The assessor-collector shall on demand pay the money received by him to the purchaser at the tax sale.

(d) [(e)] The right of redemption does not grant or reserve in the former owner of the real property the right to the use or possession of the property, or to receive rents, income, or other benefits from the property while the right of redemption exists.

(e) *In this section, "residence homestead" has the meaning assigned by Section 11.13.*

(f) *In this section, "agricultural use" has the meaning assigned by Section 23.51.*

SECTION 2. (a) This Act takes effect January 1, 1994, but only if the constitutional amendment proposed by the 73rd Legislature, Regular Session, 1993, to modify the period in which the former owner of real property may redeem the property after a tax sale, is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

(b) This Act applies to redemption of real property sold at a tax sale for which the purchaser's deed is filed for record on or after the effective date of this Act. Redemption of real property sold at a tax sale for which the purchaser's deed is filed for record before the effective date of this Act is covered by the law in effect when the deed is filed, and the former 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 the Senate on March 15, 1993, by a viva-voce vote; passed the House on May 18, 1993, by a non-record vote.

Approved May 30, 1993.

Effective Jan. 1, 1994, but only if constitutional amendment is approved by the voters as provided in § 2.