

CHAPTER 134

S.B. No. 792

AN ACT

relating to contents and recording of abstracts of judgment.

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

SECTION 1. Subchapter A, Chapter 52, Property Code, is amended by adding Section 52.0041 to read as follows:

Sec. 52.0041. ADDRESS REQUIREMENT FOR RECORDING ABSTRACT. (a) A judgment abstracted after September 1, 1993, may not be recorded unless:

(1) a mailing address for each plaintiff or judgment creditor appears on the abstract of judgment; or

(2) a penalty filing fee equal to the greater of \$25 or twice the statutory recording fee for the abstract is paid.

(b) The validity of an abstracted judgment as between the parties is not affected by a failure to include an address for each plaintiff or judgment creditor in the abstracted judgment.

(c) Payment of a filing fee and acceptance of the abstract of judgment by a county clerk for recording creates a conclusive presumption that the requirements of this section have been met.

SECTION 2. Section 52.003, Property Code, is amended to read as follows:

Sec. 52.003. CONTENTS OF ABSTRACT. (a) An abstract of a judgment must show:

- (1) the names of the plaintiff and defendant;
- (2) the birthdate and driver's license number of the defendant, if available to the clerk or justice;
- (3) the number of the suit in which the judgment was rendered;
- (4) the defendant's address, or if the address is not shown in the suit, the nature of citation and the date and place of service of citation;
- (5) the date on which the judgment was rendered;
- (6) the amount for which the judgment was rendered and the balance due;
- (7) the amount of the balance due, if any, for child support arrearage; and
- (8) the rate of interest specified in the judgment.

(b) *An abstract of a judgment may show a mailing address for each plaintiff or judgment creditor.*

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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 15, 1993: Yeas 30, Nays 0; passed the House on April 30, 1993: Yeas 126, Nays 0, one present not voting.

Approved May 12, 1993.

Effective May 12, 1993.