

## CHAPTER 683

S.B. No. 1037

## AN ACT

relating to interests in real and personal property.

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

SECTION 1. Subsection (a), Section 53.203, Property Code, is amended to read as follows:

(a) The bond and the contract between the original contractor and the owner shall be filed with the county clerk of the county in which is located all or part of the owner's property on which the construction or repair *is being performed or* is to be performed. A copy of the contract may be substituted for the original.

SECTION 2. Section 91.002, Property Code, as amended, is transferred to Subchapter A, Chapter 92, Property Code, and redesignated as Section 92.008 to read as follows:

Sec. 92.008 [91.002]. **INTERRUPTION OF UTILITIES AND EXCLUSION OF TENANT.** (a) A landlord or a landlord's agent may not interrupt or cause the interruption of utility service paid for directly to the utility company by a tenant unless the interruption results from bona fide repairs, construction, or an emergency.

(b) A landlord may not intentionally prevent a tenant from entering the leased premises except by judicial process unless the exclusion results from:

- (1) bona fide repairs, construction, or an emergency;
- (2) removing the contents of premises abandoned by a tenant; or
- (3) changing the door locks of a tenant who is delinquent in paying at least part of the rent.

(c) If a landlord or a landlord's agent changes the door lock of a tenant who is delinquent in paying rent, the landlord or the landlord's agent must:

- (1) place a written notice on the tenant's front door stating the name and location of the individual from whom the new key may be obtained at any hour; and
- (2) provide the new key to the tenant at any hour, regardless of whether or not the tenant pays any of the delinquent rent.

(d) If a landlord or a landlord's agent violates this section, the tenant may:

- (1) either recover possession of the premises or terminate the lease; and
- (2) recover from the landlord an amount equal to the sum of his actual damages, one month's rent, and reasonable attorney's fees, less any delinquent rents or other sums for which the tenant is liable.

(e) A provision of a lease that purports to waive a right or to exempt a party from a liability or duty under this section is void.

SECTION 3. Section 101.001, Property Code, is amended by amending the heading and Subsection (a) and by redesignating Subsection (b) as Section 101.002 to read as follows:

Sec. 101.001. **CONVEYANCE BY PERSON DESIGNATED AS TRUSTEE.** [(a)] If property is conveyed or transferred to a *person designated as a trustee* [in trust] but the conveyance or transfer does not identify a [the] trust or disclose the *name* [names] of *any beneficiary* [the beneficiaries], the *person designated as trustee* may convey, transfer, or encumber the title of the property without subsequent question by a person who claims to be a beneficiary under a [the] trust or who claims by, through, or under *any* [an] undisclosed beneficiary *or by, through, or under the person designated as trustee in that person's individual capacity.*

Sec. 101.002. **LIABILITY OF TRUST PROPERTY.** [(b)] Although trust property is held by the trustee without identifying the trust or its beneficiaries, the trust property is not liable to satisfy the personal obligations of the trustee.

SECTION 4. Section 114.082, Property Code, is amended by amending Subsection (a) and by redesignating Subsection (b) as Section 114.0821 to read as follows:

[(a)] If property is conveyed or transferred to a trustee in trust but the conveyance or transfer does not identify the trust or disclose the names of the beneficiaries, the trustee may convey, transfer, or encumber the title of the property without subsequent question by a person who claims to be a beneficiary under the trust or who claims by, through, or under an undisclosed beneficiary.

*Sec. 114.0821. LIABILITY OF TRUST PROPERTY.* [(b)] Although trust property is held by the trustee without identifying the trust or its beneficiaries, the trust property is not liable to satisfy the personal obligations of the trustee.

SECTION 5. 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 30, 1987, by the following vote: Yeas 31, Nays 0. Passed the House on May 22, 1987, by a non-record vote.

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.