

BILL ANALYSIS

Senate Research Center
80R4051 AJA-F

S.B. 1030
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, Section 22.001 (Trespass to Try Title), Property Code, establishes a trespass to try title case as the exclusive method of determining titles to land and other real property. As a result of a recent interpretation by the Texas Supreme Court, a person is authorized to only use a trespass to try title action to settle disputes relating to the title of a home, rather than using the Declaratory Judgment Act in order to request a district court to decide the issue as has been previously done. The use of the trespass to try title action involves detailed pleading and proof requirements, leading to potential legal pitfalls for the less experienced and a legal process that may be less efficient than when using declaratory judgment actions.

As proposed, S.B. 1030 authorizes the use of declaratory judgment actions with respect to title to real property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.004, Civil Practice and Remedies Code, by adding Subsection (c), as follows:

(c) Authorizes a person described under Section 37.004 (Subject of Matter of Relief), Civil Practice and Remedies Code, to obtain under Chapter 37 (Declaratory Judgments), Civil Practice and Remedies Code, a determination of title to lands, tenements, or other real property, notwithstanding Section 22.001 (Trespass to Try Title), Property Code.

SECTION 2. Effective date: upon passage or September 1, 2007.