

BILL ANALYSIS

Senate Research Center
83R7366 AJA-F

H.B. 2749
By: Parker (Paxton)
Jurisprudence
5/14/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Supreme Court has promulgated standard forms for use in certain judicial proceedings in an effort to help the judicial process operate more efficiently and effectively. However, interested parties observe that the supreme court has not promulgated standard forms for use in expedited foreclosure proceedings and that, as a consequence, each individual county in Texas currently prescribes its own forms for these proceedings. Concerns have been raised that the lack of standard forms has caused unnecessary delays in expedited foreclosure proceedings because of the difficulty of having to understand each individual county's prescribed form and instructions for successfully returning completed forms.

H.B. 2749 amends current law relating to promulgation by the supreme court of standard forms for use in certain expedited foreclosure proceedings.

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 Subchapter A, Chapter 22, Government Code, by adding Section 22.018, as follows:

Sec. 22.018. PROMULGATION OF FORMS FOR CERTAIN EXPEDITED FORECLOSURE PROCEEDINGS. (a) Requires the Texas Supreme Court (supreme court) to promulgate the following forms for use in expedited foreclosure proceedings described by Section 50(r) (relating to requiring the supreme court to promulgate rules of civil procedure for expedited foreclosure proceedings related to the foreclosure of liens under Subsection (a)(6) of this section and to foreclosure of a reverse mortgage lien that requires a court order), Article XVI (General Provisions), Texas Constitution:

- (1) a form for application for an expedited foreclosure proceeding;
- (2) a form for a supporting affidavit; and
- (3) a form for any court-required citation.

(b) Prohibits a trial court or court clerk from refusing to accept a form promulgated by the supreme court under this section filed by an attorney licensed in this state.

(c) Prohibits a court from refusing the relief sought in an application for an expedited foreclosure proceeding described by Section 50(r), Article XVI, Texas Constitution, on the basis of any formal defect in a filed form that substantially complies with a form promulgated under this section.

SECTION 2. Requires the supreme court, not later than March 1, 2014, to promulgate the forms required by Section 22.018, Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2013.