

Requirements for the recording of documents relating to real property

Section 11.003, Property Code:

- 1) An instrument executed after December 31, 1981, conveying an interest in real property may not be recorded unless:
 - a) a mailing address of each grantee appears in the instrument or in a separate writing signed by the grantor or grantee and attached to the instrument; or
 - b) a penalty-filing fee equal to the greater of \$25 or twice the statutory recording fee for the instrument is paid.
- 2) The validity of a conveyance as between the parties is not affected by a failure to include an address of each grantee in the instrument or an attached writing.
- 3) Payment of a filing fee and acceptance of the instrument by the county clerk for recording creates a conclusive presumption that the requirements of this section have been met.

Section 11.004(a), Property Code:

- 1) A County clerk shall:
 - a) correctly record, as required by law, within a reasonable time after delivery, any instrument authorized or required to be recorded in that clerk's office that is proved, acknowledged, or sworn to according to law;
 - b) give a receipt, as required by law, for an instrument delivered for recording;
 - c) record instruments relating to the same property in the order the instruments are filed; and
 - d) provide and keep in the clerk's office the indexes required by law.

Section 11.008, Property Code: (effective May 4, 2005)

- a) In this section, "instrument" means a deed or deed of trust.
- b) An instrument transferring an interest in real property to or from an individual and disclosing that individual's social security number or driver's license number must include a notice that appears on the top of the first page of the instrument in 12-point boldfaced type or 12-point uppercase letters and reads substantially as follows:

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.
- c) The validity of an instrument as between the parties to the instrument and the notice provided by the instrument are not affected by a party's failure to include the notice required under Subsection (b).
- d) The County Clerk may not under any circumstance reject an instrument presented for recording solely because the instrument fails to comply with the section.

Section 12.001, Property Code

- 1) Instruments Concerning Property
 - a) An instrument concerning real or personal property may be recorded if it has been acknowledged, sworn to by proper jurats, or proved, according to law.
 - b) An instrument conveying real property may not be recorded unless it is signed and acknowledged or sworn to by the grantor in the presence of two or more credible subscribing witnesses or acknowledged or sworn to before and certified by an officer authorized to take acknowledgements or oaths as applicable.
 - c) This section does not require the acknowledgement or swearing or prohibit the recording of a financing statement, a security agreement filed as a financing statement or a continuation statement filed for record under the Business & Commerce Code.

Section 12.014, Property Code:

- a) A judgment or part of a judgment of a court of record or an interest in a cause of action on which suit has been filed may be sold, regardless of whether the judgment or cause of action is assignable in law or equity, if the transfer is in writing.
- b) A transfer under this section may be filed with the papers of the suit if the transfer is acknowledged or sworn to in the form and manner required by law for acknowledgment or swearing of deeds.
- c) If a transfer of a judgment is filed, the clerk shall note the transfer on the margin of the minute book at the place where the judgment is recorded. If a transfer of a cause of action in which a judgment has not been rendered is filed, the clerk shall note and briefly state the substance of the transfer on the court docket at the place where the suit is entered.
- d) A transfer filed under this section is notice to and is binding on a person subsequently dealing with the judgment or cause of action.

Section 13.001, Property Code:

- a) A conveyance of real property or an interest in real property or a mortgage or deed of trust is void as to a creditor or to a subsequent purchaser for a valuable consideration without notice unless the instrument has been acknowledged, sworn to or proved and filed for record as required by law.
- b) The unrecorded instrument is binding on a party to the instrument, on the party's heirs, and on a subsequent purchaser who does not pay a valuable consideration or who has notice of the instrument.
- c) This section does not apply to a financing statement, a security agreement filed as a financing statement, or a continuation statement filed for record under the Business & Commerce Code