

BILL ANALYSIS

Senate Research Center
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S.B. 727
By: Nixon
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As Filed

DIGEST

Currently, architects and surveyors have the right to file liens on properties for non-payment of fees. However, appraisers do not have the right to file liens for the non-payment of services they provide. This bill would permit appraisers to file liens on real property for services they provide.

PURPOSE

As proposed, S.B. 727 creates provisions for a real estate appraiser to procure and secure a lien.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 70, Property Code, by adding Subchapter E, as follows:

SUBCHAPTER E. REAL ESTATE APPRAISER'S LIEN

Sec. 70.401. LIEN. Provides that a licensed or certified real estate appraiser who prepares an appraisal under a written agreement with certain entities has a lien on the property. Describes "owner."

Sec. 70.402. ACCRUAL OF INDEBTEDNESS. Sets forth the date when indebtedness for appraisal services accrues.

Sec. 70.403. SECURING LIEN. Requires the appraiser claiming the lien to file an affidavit with a certain authority by the 180th day after the indebtedness accrues. Requires the appraiser to serve written notice that the lien is claimed to certain entities by the 10th day before filing the affidavit.

Sec. 70.404. CONTENTS OF AFFIDAVIT AND NOTICE. Sets forth required information in the required affidavit and notices.

Sec. 70.405. DISCHARGE OF LIEN. Sets forth the recordings of releases and certain documents which can discharge a lien provided by this subchapter.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.