

TEXAS TITLE INSURANCE WORKS AGENDA 2017



Maintain Our Successful Title Insurance System – Oppose Efforts to Dismantle It

Texas has one of the healthiest, most robust real estate economies in the world. A key component of that is our safe, stable title insurance system that is widely considered the best in the country.

However, there are proposals being pushed by a small group of individuals that would destabilize our real estate economy and have a very negative impact on homeowners. Under the guise of promoting a free market, they propose to replace a system that is working with a risky “file-and-use” form of regulation.

Support Uniform Lis Pendens Expungement Standards

Title insurance professionals and their customers rely on uniform standards for searching property titles; however, current ambiguities in the statute are preventing title agents from safely relying on the fact that a lis pendens (a notice of formal legal action) has truly been expunged from a property record. Proposed legislation would clarify the lis pendens statute, allowing title agents to rely on expungements they find in the title records.

Support Establishing a Process for Adverse Possession Amongst Co-Tenant Heirs

TLTA supports creating a statutory process to establish adverse possession of real property amongst co-tenant heirs. Adverse possession is a time-honored means of clearing title by vesting ownership rights in an individual who uses, maintains and pays the property taxes for a given piece of property. A co-tenant is defined as the shared ownership of property by more than one person (i.e. – multiple children having equal ownership in a house they inherited from deceased parents).

Under current law, no process exists for co-tenant heirs to establish free and clear title using adverse possession. Our proposal establishes a fair and transparent process. It defines an eligible co-tenant heir as someone who, for 10 years, holds the property in peaceable and exclusive possession; cultivates, uses or enjoys the property; and pays all property taxes on the property. The proposal requires the co-tenant heir to put all other co-tenant heirs on notice and wait five years for anyone to object.

We Also Support:

- Access to Public Records
- Clarity in the Property Code

***TLTA – Protecting Texans’ Property Rights
Texas has the best Title Insurance System in America!***