

***TLTA seeks the introduction and passage of legislation to establish a reliance period for “homestead affidavits” that serve as releases of judgment liens.***



## **Problem**

The Texas Constitution protects a person’s homestead from being foreclosed on by a judgment lien. However, there can be difficulty in identifying what land is a person’s homestead and whether a judgment lien attaches against said property. In 2007, the 80th Legislature created Property Code Section 52.0012 to address this problem.

The statute succeeded in creating a method of communication and provided a means for evidence for all parties with potential interest in the property. However, it did not establish a period during which parties can rely on the homestead affidavit with certainty.



## **Solution**

Create a limited period of time in which parties with an interest in the transaction can rely on the affidavit with certainty, while protecting the interests of creditors and their ability to challenge the affidavit both after filing and after the expiration of the reliance period.



## **Benefits**

- 1)** This improvement furthers the goal of the statute to provide certainty in transactions involving homestead properties when a judgment lien exists.
- 2)** The proposed revision allows for this certainty once notice is provided and a challenge period has lapsed. A party may then rely on the affidavit while ensuring the protection of creditors in the event of a subsequent change in the character of the property.