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JAN 31 2012

OPINION COMMITTEE

FILE # ML-46940-12
I.D. # 46940

January 26, 2012

RQ-1038-6A

The Honorable Greg Abbot
Attorney General of Texas
Attn: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

Via CMRRR

Re: Property Code §51.0022; Foreclosure Data Collection

Dear Attorney General Abbot:

Chapter 51 of the Texas Property Code contains the general statutes regarding property in Texas. Section 51.0022 provides that County Clerks collect forms containing certain information from a persons filing for foreclosure of residential property and information from the Sheriff once the sale is complete. The Statue also provided that the County Clerk will transmit the forms collected to the Texas Department of Housing and Community Affairs (TDHCA) and that the TDHCA will prescribe the forms to be filed with the Clerk.

BACKGROUND FACTS

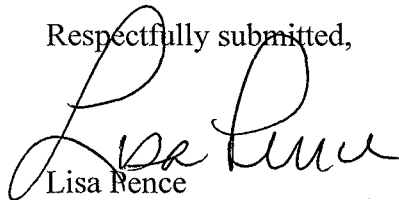
The TDHCA has enacted rules that require the County Clerk to do more than just submit the form to them. 10 TAC § 1.24 requires that County Clerks collect the forms and then go through and summarize the date and submit only the summary to TDHCA.

POSITION OF REQUESTOR

It is the State's position that the TDHCA has enacted rules that are not in compliance with the Texas Property Code Chapter 51. The TDHCA is charged with the responsibility of compiling this information and submitting it to the legislature. It is the State's position that 10 TAC 1.24 enacted by the TDHCA is an attempt to shirk that responsibility and place the burden on the County Clerk. It is the State's position that the County Clerk is responsible for forwarding the forms to TDHCA and is not responsible for summarizing such data.

I respectfully request that you provide a more detailed explanation of the County Clerk's responsibility under Property Code Section 51.0022.

Respectfully submitted,



Lisa Pence
Erath County Attorney