

The Texas Legislature recently amended the Property Code to provide a streamlined procedure for addressing discriminatory provisions in real property records. Although state law already declared restrictions and provisions in real property records that prohibit the use, sale or transfer of real property to a person based on race, color, religion, or national origin to be void and unenforceable, Senate Bill 30, which took effect on September 1, 2021, establishes a process for a property owner, or another person that the owner authorizes, to request a judicial review of specific property records to determine whether they contain prohibited discriminatory provisions.

The bill sets out the contents of the documents required to be submitted to the court as well as a suggested format for the court's findings and order. Under certain circumstances, the court may issue its determination without conducting a hearing. No filing fees may be charged under the statute.

To view the language of the bill and the format for filing with the court as well as the format for the court's findings and order, use the link: [87\(R\) SB 30 - Enrolled version \(texas.gov\)](#) . A sample motion and order is below for your use and benefit.

No. _____

In Re: Conveyance Instrument
with Discriminatory
Provision

In the _____ Judicial District
In and For Chambers
County, Texas

Motion for Judicial Review of Conveyance Instrument Alleged to
Contain a Discriminatory Provision as Defined by Section 5.0261(a), Texas Property Code

Now Comes _____ and files this motion requesting a judicial determination of the status of a conveyance instrument that contains a discriminatory provision as defined by Section 5.0261(a), Texas Property Code, filed in the office of the Clerk of Chambers County, Texas, and in support of the motion would show the court as follows:

I.

_____, movant herein, is the person who owns the real property or the interest in real property described in the conveyance instrument or has been given permission by that person to file this motion.

II.

On _____ day of _____, 2021, in the exercise of the county clerk's official duties as County Clerk of Chambers County, Texas, the county clerk received and filed and recorded the conveyance instrument attached hereto and containing _____ pages. The instrument is recorded at _____ in the real property records of Chambers County. The conveyance instrument contains a discriminatory provision as defined by Section 5.0261(a), Texas Property Code.

III.

Movant alleges that the conveyance instrument attached hereto contains a discriminatory provision as defined by Section 5.0261(a), Texas Property Code, and that the discriminatory provision should be removed.

IV.

Movant attests that assertions herein are true and correct.

V.

PRAYER

Movant requests the court to review the attached conveyance instrument and enter an order removing the discriminatory provision as defined by Section 5.0261(a), Texas Property Code, together with such orders as the court deems appropriate.

Respectfully submitted,

(Name)

(Address)

(City, State, Zip)

AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

“My name is _____. I am over 21 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I further attest that the assertions contained in the accompanying motion are true and correct.”

Further affiant sayeth not.

SUBSCRIBED and SWORN TO before me,
this ____ day of _____, 2021.

NOTARY PUBLIC, State of Texas

Notary's printed Name:

My Commission expires:

No. _____

In Re: Conveyance Instrument
with Discriminatory
Provision

In the _____ Judicial District
In and For Chambers
County, Texas

Judicial Finding of Fact and Conclusion of Law Regarding Conveyance Instrument Alleged to
Contain a Discriminatory Provision as Defined by Section 5.0261(a), Texas Property Code

On the _____ day of _____, 20____, in the above entitled and numbered
cause, this court reviewed a motion, verified by affidavit, of
_____ and the conveyance instrument attached thereto. No
testimony was taken from any party, nor was there any notice of the court’s review, the court
having made the determination that a decision could be made solely on review of the conveyance
instrument under the authority vested in the court under Section 5.0261, Texas Property Code.

The court finds as follows (only an item checked and initialed is a valid court ruling):

_____ The conveyance instrument recorded at _____ in the real property records of
Chambers County CONTAINS a discriminatory provision as defined by Section 5.0261(a), Texas
Property Code. The discriminatory provision as defined by Section 5.0261(a), Texas Property
Code, is void and removed from the conveyance instrument identified herein.

_____ The conveyance instrument recorded at _____ in the real property records of
Chambers County and attached to the motion herein DOES NOT CONTAIN a discriminatory
provision as defined by Section 5.0261(a), Texas Property Code.

This court expressly limits its finding of fact and conclusion of law to the review of a
ministerial act. The county clerk shall file this finding of fact and conclusion of law in the same
class of records in which the subject conveyance instrument is filed, and the court directs the
county clerk to index it using the same names used to index the subject conveyance instrument.

SIGNED ON THIS THE _____ DAY OF _____, 2021.

JUDGE PRESIDING

DISTRICT COURT
CHAMBERS COUNTY, TEXAS