

Foreclosure Research Guide

Overview

This research guide includes information and resources on foreclosure. A foreclosure is a “legal proceeding to terminate a mortgagor’s interest in property, instituted by the lender (the mortgagee) either to gain title or to force a sale in order to satisfy the unpaid debt secured by the property.” (*Black’s Law Dictionary 11th*) For resources specific to non-judicial foreclosure, see a separate research guide. The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Constitution

- Art. XVI Sec. 50 Protection of Homestead from Forced or Unauthorized Sale
<https://statutes.capitol.texas.gov/Docs/CN/htm/CN.16/CN.16.50.htm>

Texas Business and Commerce Code

- Ch. 22 Public Sale of Residential Real Property Under Power of Sale
<https://statutes.capitol.texas.gov/Docs/BC/htm/BC.22.htm>

Texas Finance Code

- Ch. 347, §347.356 Requirements for Action to Repossess, Foreclose, or Accelerate Payment of Entire Debt
<https://statutes.capitol.texas.gov/Docs/FI/htm/FI.347.htm#347.356>

Texas Property Code

- Ch. 51 Provisions Generally Applicable to

Liens

<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.51.htm>

- §51.002 Sale of Real Property Under Contract Lien
- §51.0025 Administration of Foreclosure by Mortgage Servicer
- §51.004 Judicial Foreclosure— Deficiency et seq
- §82.113(g) Association’s Lien for Assessment
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.82.htm#82.113>
- §209.009 *et seq* Foreclosure Sale Prohibited in Certain Circumstances
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.209.htm#209.009>
- §209.010 Notice After Foreclosure Sale
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.209.htm#209.010>

Secondary Resources in Print

Texas Foreclosure Manual KFT 1330.5.F6S7

Texas Real Estate Forms Manual KFT 1326.T4

- Vol. 1, Ch. 2 Laws Affecting Real Estate
- Vol. 2, Ch. 14 Foreclosure Documents

Texas Forms Legal and Business KFT 1352.A65T4

- Vol. 1, §1:29 Sales
- Vol. 2, §2:47, Quitclaim, lieu of foreclosure; §2A:18 covenants & restrictions; liens & encumbrances
- Vol. 3, §3:3 generally; §3:33.50 partial foreclosure
- Vol. 7A, §18:2, 18:7, 18:8, 18:33-18:37 liens and encumbrances

West’s Texas Forms KFT 1268.W47

- Vol. 1, Cred Rem §8:30.50 Suit on Sworn Account; §8:72 Foreclosure of Assessment

- Liens, prerequisites to
- Vol. 2, Adm Prac §11:12 Motor Vehicles Dept
- Vol. 17A, Family §8:71 Child Support Enforcement Liens, generally
- Vol. 14, Real Prop §11.45-11.47 Method of Foreclosure

Texas Transaction Guide KFT 1268.K45

- Vol. 16, Ch. 72 Real Property Security Transactions
- Vol. 17, Ch. 72B Nonjudicial Foreclosure and Forfeiture
- Vol. 25, Transactions in Turbulent Times
 - Ch. 36 Mortgages and Deeds of Trust – Foreclosure
 - Ch. 37 Mortgages and Deeds of Trust – Foreclosure; Trustees

The Foreclosure Survival Guide KF 697.F6 E45

Texas Practice Series REF KFT 1280 .T4

- Vol. 11, Ch. 12 Foreclosure of Deeds of Trust
- Vol. 15, §1.12 Defense to Acceleration (estoppel); §16.05.1 Nature of Homestead Property (estoppel)
- Vol. 15, Ch. 17 Taxation of Foreclosures, Deeds in Lieu of Foreclosure, and Abandonments

Collier Bankruptcy Manual KF 1524 .C6455

- Vol. 2, Ch. 362 Automatic Stay
- Vol. 2, Ch. 548 Fraudulent Transfers and Obligations

Collier Bankruptcy Practice Guide KF 1524 .C63

- Vol. 3, Ch. 65 Fraudulent Transfer
- Vol. 3, Form 51.52 Objection to Allowance of Claim for Foreclosure Sale

Foreclosures and Workouts: Ten Things Every Real Estate Attorney Needs to Know

- 2017 Ch. 14 Foreclosures by Property Owners' Associations

Real Estate Law 101 KFT 1312.A75R22

- 2020 Ch. 4 Texas Foreclosures and Evictions 101

Advanced Real Estate Strategies (PDF only)

- 2021 Ch. 2.2 Post Foreclosure Attacks on Sale, Collection of Deficiency, Limitations and Related Matters
- 2021 Ch. 2.3 Pre-Foreclosure Remedies for Avoiding the Sale: Injunctive Relief and Bankruptcy

Online Resources

Foreclosures (Tarrant County Clerk)

<https://www.tarrantcounty.com/en/county-clerk/administration/foreclosures.html>

Foreclosure Research Guide (TSLL)

<https://guides.sll.texas.gov/foreclosure>

Expedited Foreclosure Forms (Texas Judicial Branch)

<https://www.txcourts.gov/forms/>

NOLO (www.nolo.com)

- Foreclosure Terminology
<https://www.nolo.com/legal-encyclopedia/foreclosure-terminology>
- What is Foreclosure?
<https://www.nolo.com/legal-encyclopedia/foreclosure-basics-terms-parties-steps-and-defenses.html>

Texas Law Help (www.texaslawhelp.org)

- Avoiding Foreclosure
<https://texaslawhelp.org/article/programs-to-help-you-avoid-foreclosure>
- Foreclosure <https://texaslawhelp.org/house-apartment/foreclosure>
- Foreclosure Fact Sheet
<https://texaslawhelp.org/article/foreclosure-fact-sheet>
- Manufactured Home Foreclosures and Repossessions

CLE Materials

Advanced Real Estate Drafting KFT 1312.A7527

- 2021 Ch. 3 Deeds in Lieu of Foreclosure

Advanced Real Estate Law Course KFT 1312.A75

- 2020 Vol. 2, Ch. 26 Foreclosure on a Collateral Transfer of Note & Lien
- 2019 Ch. 4 Update and Refresher on

Publication 594 (IRS) <https://www.irs.gov/pub/irs-pdf/p594.pdf>

Texas HOA and COA Foreclosures (NOLo) <https://www.nolo.com/legal-encyclopedia/texas-hoa-coa-foreclosures.html>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up <https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up <https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)

