

# 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 11<sup>th</sup>*) 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.

*Related guides: Bankruptcy, Nonjudicial Foreclosure*

## Statutes and Codes

Texas Statutes Online [www.statutes.capitol.texas.gov](http://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>

### Texas Tax Code

- Ch. 113 Tax Liens  
<https://statutes.capitol.texas.gov/Docs/TX/htm/TX.113.htm>

## Secondary Resources in Print

**Texas Foreclosure Manual REF KFT 1330.5 .F6S7**

**Texas Forms Legal and Business REF 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

### **Texas Real Estate Forms Manual REF KFT 1326 .T4**

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

### **West's Texas Forms REF 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 REF 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

### **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

### **The Foreclosure Survival Guide KF 697 .F6 E45**

### **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

## **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 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 Notices (Tarrant County Clerk)

<https://tarrant.tx.publicsearch.us/?linklocation=supermenu&linkname=Real%20Estate%20Records>

Foreclosure Research Guide (TSLL)

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

Expedited Foreclosure Forms (Texas Judicial Branch)

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

Texas Law Help ([www.texaslawhelp.org](http://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>

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

NOLO ([www.nolo.com](http://www.nolo.com))

- Texas Foreclosure Laws and Procedures  
<https://www.nolo.com/legal-encyclopedia/texas-foreclosure-laws-procedures.html>
- Texas HOA and COA Foreclosures  
<https://www.nolo.com/legal-encyclopedia/texas-hoa-coa-foreclosures.html>
- Fighting Your Foreclosure in Court  
<https://www.nolo.com/legal-encyclopedia/fighting-your-foreclosure-in-court.html>
- Foreclosure Surplus Funds  
<https://www.nolo.com/legal-encyclopedia/what-happens-to-excess-proceeds-from-a-foreclosure-sale.html>
- Foreclosure Terminology  
<https://www.nolo.com/legal-encyclopedia/foreclosure-terminology>
- How to Fight a Foreclosure in Court: Nonjudicial Foreclosure  
<https://www.nolo.com/legal-encyclopedia/how-fight-foreclosure-court-nonjudicial-foreclosure.html>
- What is Foreclosure?  
<https://www.nolo.com/legal-encyclopedia/foreclosure-basics-terms-parties-steps-and-defenses.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)

