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REAL ESTATE LAW, AND OIL, GAS & MINERAL LAW

September 8, 2015

Supreme Court Advisory Committee  
Attn: Chip Babcock  
1401 McKinney Street, Suite 1900  
Houston, TX 77010-4037

*Jackson Walker*

SEP 10 2015

RECEIVED

**RE: Proposed change to Rule 648 "Courthouse Door" Defined**

Dear Chip:

I would like to suggest a change to the Texas Rules of Civil Procedure, Rule 648. This rule requires that the judicial sale of real or personal property be conducted at the "Courthouse Door". The door is defined as the principal entrance to the house provided by the proper authority for holding of the District Court.


Probably for over 100 years, both judicial and non-judicial sales were conducted at the courthouse door. About 10 or so years ago, the Texas Legislature, in its wisdom, changed the location of the sale of real property under a non-judicial power of sale. Under Texas Property Code, Sec. 51.002, the sale under a deed of trust is to be conducted at a place at which the commissioner's court has designated. I suspect most county commissioners have designated a different location than the courthouse door for the non-judicial sale of property. For example, in my county, Tom Green County, the commissioner's court has designated the location for non-judicial trustee sales to be held across the street from the main courthouse in the lobby of the Edd B. Keyes Building.

The result may create some confusion as public auctions for the sale of real property will be conducted at two different locations. If it is a non-judicial trustee sale, then at a location designated by the commissioner's court. If it is a judicial sale under the Rules of Civil Procedure, it is at the courthouse door. This confusion could have the result of (1) reducing the bid price if some parties go to a different location, or (2) voiding a sale if conducted at the wrong location.

I would recommend that the Supreme Court Advisory Committee modify Rule 648 so that it reads the same as Property Code, Sec. 51.002. This would create a consistent location for the auction of property, whether it be under a court order or non-judicial foreclosure.

Very truly yours,

**GOSSETT, HARRISON,  
MILLICAN & STIPANOVIC, P.C.**

A handwritten signature in cursive script, appearing to read "Greg Gossett".

Greg Gossett

GG/nc

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