

## WFG Underwriting Bulletin



To: All Texas Policy Issuing Agents of WFG National Title Insurance Company  
From: WFG Underwriting Department  
Date: July 15, 2025  
Bulletin No.: TX 2025-28  
Subject: 2025 Legislation Effective Immediately

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The 89<sup>th</sup> Regular Session of the Texas Legislature resulted in multiple laws that affect real estate and the title insurance industry. This Bulletin provides a synopsis of some of the new laws impacting our business that became effective immediately upon signing by Governor Abbott. Additional bulletins will discuss new legislation effective on or after September 1, 2025.

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### **A. SB 372 – Business Entities, Trustees, and Personal Representatives May Serve as Substitute Trustees**

*“Relating to the persons authorized or appointed to exercise the power of sale under the terms of a contract lien on real property.”*

Amends Property Code Section 51.0001 to clarify that a trust, estate, or entity, as well as an individual, may serve as a trustee or substitute trustee for the purpose of conducting a foreclosure sale under Chapter 51 of the Property Code. This bill codifies a recent Texas Attorney General Opinion which stated that the terms “trustee” and “substitute trustee” include a business entity, trustee of a trust, or the personal representative of an estate.

Effective Date: May 19, 2025

Underwriting Requirements: WFG will accept a non-judicial foreclosure of a deed of trust lien by a trustee or substitute trustee that is a business entity, trustee of a trust, or the personal representative of an estate. The bill does not otherwise affect underwriting requirements for title vested via a non-judicial foreclosure sale.

### **B. SB 1547 – Reduced Fees for Electronic Copies of Real Property Records**

*“Relating to fees charged by county clerks for certain property records.”*

Amends Local Government Code Section 118.011 to exclude real property records from the 2023 law that allowed county clerks to charge \$0.10 per page for electronic copies. Now, the clerk must provide the copies and charge fees in accordance with other already existing laws: Government

**NOTE:** The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company’s Underwriting Department.

**The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.**

Code Sections 552.231 (Responding to Requests for Information That Require Programming or Manipulation of Data) and 552.262 (Rules of the Attorney General).

Effective Date: June 20, 2025

Underwriting Requirements: This bill does not change WFG's underwriting requirements.

**C. HB 2468 – Terminating Contracts for Failure to Provide PID Notice**

*“Relating to the right of a purchaser to terminate a contract of purchase and sale of real property for failure to provide notice that the property is located in a public improvement district.”*

Amends Property Code Section 5.0141(b), which allows a purchaser to terminate a contract if the seller failed to provide notice that the property is located in a public improvement district (PID). The statute previously failed to provide an exception if there was no PID service plan recorded as required by law. HB 2468 now allows the purchaser to terminate the contract **only** if the PID service plan was recorded before the parties executed contract.

The bill applies to contracts executed on or after the effective date of the bill.

Effective Date: June 20, 2025

Underwriting Requirements: Be aware of this revised basis for contract termination, but it does not change WFG's underwriting requirements.

**D. HB 4202 – Who May Serve as a “Credible Witness” for Acknowledgment of a Written Instrument**

*“Relating to proof of identity of a person making an acknowledgment of a written instrument.”*

Amends Texas Civil Practice and Remedies Code Section 121.005(a) relating to proof of identity of an acknowledging person. Typically, a person acknowledging a document proves their identity to the notary or other officer using a current identification card. An alternative has been that the acknowledging signer could bring in a credible witness personally known to the notary who would swear to the identity of the acknowledging signer.

The bill's amendment provides an alternative to the “credible witness” option; the witness no longer must be personally known to the notary. Now, the witness may act if they can prove their identity to the notary by use of a current identification card or other document issued by the federal government or any state government that contains the witness's photograph and signature.

Effective Date: June 20, 2025

Underwriting Requirements: WFG will accept acknowledgements made on the oath of a credible witness whose identity is confirmed by the notary in accordance with the new provision. The notary block must reflect the method by which the identities of the acknowledging signer and the credible witness were proven to the notary.

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**E. HB 4350 – Redaction of Peace Officers’ and Special Investigators’ Personal Information from Online Real Property Records**

*“Relating to the omission or redaction of certain personal information from certain real property records.”*

Amends Property Code Section 11.008 to add peace officers and special investigators to the list of those persons who may request redaction of their personal information from online county clerk records. The information to be redacted is the individual’s Social Security number, driver’s license number, and home address.

Since 2005 Texas law has permitted certain persons to request the redaction of the personal information from online real property records. The purpose is to attempt to reduce the threat of harm from those would use such information to target the protected persons. Peace officers and special investigators are now given this option, along with certain judges, marshals, etc. The privacy redactions should not affect online plant searches, as the redactions occur only after recording and only on those versions of the records posted online for public access.

Effective Date: June 20, 2025

Underwriting Requirements: Be aware that online data searches of real property records may be incomplete, depending on what information is used to create the search.

**If you have any questions regarding any of these bills, please contact Texas Underwriting Counsel at [SWLegal@wfgtitle.com](mailto:SWLegal@wfgtitle.com).**

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