

Return to:  
HOMESTEAD DESIGNATION SERVICES  
500 E. 4<sup>th</sup> Street PMB#482  
Austin, TX 78701  
(800) 425-0271

# DESIGNATION OF HOMESTEAD REQUEST

Property Transfer Date  
6/6/2023

FOR PROPERTIES WITHIN:  
**TEXAS**

Our Records Show  
Filing None



YOU MUST COMPLETE THE INFORMATION BELOW OR WE WILL NOT PROCESS YOUR REQUEST.

**RETURN BY:** JULY 21 2023

TO ALLOW SUFFICIENT TIME FOR DOCUMENT PROCESSING

**DIRECTIONS:**

1. TYPE or PRINT information below legibly.  
2. Return check or money order \$79.00 for document preparation payable to: "HOMESTEAD DESIGNATION SERVICES."

NOTE: Once your document has been prepared recording instructions will be sent. An optional \$52 recording service will be made available to you which includes the County Clerk's \$13 to \$36 recording fee.

**FILED FOR TAX EXEMPTION:**

CHECK ONE

YES NOTE: IF YES, PROPERTY ON WHICH A PERSON RECEIVES AN EXEMPTION FROM  
 NO TAXATION UNDER TAX CODE § 11.43, IS CONSIDERED TO HAVE BEEN DESIGNATED AS THE PERSONS HOMESTEAD.

**PROPERTY OWNER:**  
(PRESENT OWNER)  
**CO-OWNER:**  
(IF APPLICABLE)  
**PROPERTY LOCATION:**

FULL NAME

FULL NAME

STREET (OR LEGAL DISCRPTION) CITY ZIP

STREET CITY ZIP

**MAILING:**

**PROPERTY TYPE:**

CHECK ONE  
 URBAN PROPERTY NOT MORE THAN 1 ACRE  
 RURAL PROPERTY NOT MORE THAN 200 ACRES

THIS FORM IS NOT FOR PROPERTIES LOCATED IN MORE THAN ONE SURVEY.

**SIGNATURE:**

I certify that all information is true and correct, and that I have read completely, fully understand and accept this service offer.  
X  \$79.00 payment enclosed

The designation of homestead under TEXAS PROPERTY CODE is distinct from the homestead tax exemption. Under the TEXAS TAX CODE if a homeowner files for and receives a TAX EXEMPTION, they will receive a designation of homestead eventually for free. Designation of homestead is not and does not affect homestead TAX EXEMPTION. For information regarding tax exemption please contact the appraisal district. For information on designation of homestead under the TEXAS PROPERTY CODE, contact your attorney. Recording a Designation of Homestead in public records is not required by law. Homestead Designation Services LLC is not based or operating in the State of Texas. This product or service has not been approved or endorsed by any governmental agency, and this offer is not being made by an agency of the government. The use of this form or service is not required by law.

This document is an advertisement of services; not an official State of Texas form.

"PRICES ARE SUBJECT TO CHANGE". YOU MUST REMIT THE \$79.00 OR WE WILL NOT PROCESS YOUR REQUEST.

## TEXAS CONSTITUTION

### **§ 50. Homestead; protection from forced sale; mortgages, trust deeds, and liens**

Sec. 50. The homestead of a family, or of a single adult person, shall be, and is hereby protected from forced sale, for the payment of all debts except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, an owelty of partition imposed against the entirety of the property by a court order or by a written agreement of the parties to the partition, including a debt of one spouse in favor of the other spouse resulting from a division or an award of a family homestead in a divorce proceeding, the refinancing of a lien against a homestead, including a federal tax lien resulting from a tax debt of both spouses, if the homestead is a family homestead, or from the tax debt of the owner, or for work and material used in constructing improvements thereon, and in this last case only when the work and material contracted for in writing, with the consent of both spouses, in the case of a family homestead, given in the same manner as is required in making a sale and conveyance of the homestead; nor may the owner or claimant of the property claimed as a homestead, if married, sell or abandon the homestead without the consent of the other spouse, given in such manner as may be prescribed by law. No mortgage, trust deed, or other lien on the homestead shall ever be valid, except for a debt described by this section, whether such mortgage, or trust deed, or other lien, shall have been created by the owner alone, or together with his or her spouse, in case the owner is married. All pretended sales of the homestead involving any condition of defeasance shall be void. A purchaser or lender for value without actual knowledge may conclusively rely on an affidavit that designates other property as the homestead of the affiant and that states that the property to be conveyed or encumbered is not the homestead of the affiant.

### **§ 51. Amount of homestead; uses**

Sec. 51. The homestead, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village, shall consist of lot or lots amounting to not more than ten acres of land, together with any improvements that the same shall be used for the purpose of a home, or as a place to exercise a calling or business, of the homestead claimant, whether a single adult person or a family; provided also, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

### **§ 52. Descent and distribution of homestead; restrictions on partition**

Sec. 52. On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as guardian of the minor children of the deceased may be permitted, under the order of the proper court having the jurisdiction, to use and occupy the same.

## TEXAS PROPERTY CODE

**§ 41.001. Interests In Land Exempt From Sellers.** (a) A homestead and one or more lots used for a place of burial of the dead are exempt from seizure for the claims of creditors except for the encumbrances properly fixed on homestead property.

(b) Encumbrances may be properly fixed on homestead property for:

- (1) purchase money;
  - (2) taxes on the property;
  - (3) work and material used in constructing improvements on the property if contracted for in writing as provided by Sections 53.254(a), (b), and (c);
  - (4) an owelty of partition imposed against the entirety of the property by a court order or by a written agreement of the parties to the partition, including a debt of one spouse in favor of the other spouse resulting from a division or an award of a family homestead in a divorce proceeding;
  - (5) the refinancing of a lien against a homestead, including a federal tax lien resulting from the tax debt of both spouses, if the homestead is a family homestead, or from the tax debt of the owner;
  - (6) an extension of credit that meets the requirements of Section 50(a)(6), Article XVI, Texas Constitution;
  - (7) a reverse mortgage that meets the requirement of Section 50(k)-(p), Article XVI, Texas Constitution.
- (c) The homestead claimant's proceeds of a sale of a homestead are not subject to seizure for a creditor's claim for six months after the date of sale.

**§ 41.002. Definition of Homestead.** (a) If used for the purpose of an urban home or as both an urban home and a place to exercise a calling or business, the homestead of a family or a single adult person, not otherwise entitled to homestead, shall consist of not more than 10 acres of land which may be in one or more contiguous lots, together with any improvements thereon.

(b) If used for the purpose of a rural home, the homestead shall consist of:

- (1) for a family, not more than 200 acres, which may be in one or more parcels, with the improvements thereon; or
  - (2) for a single, adult person, not otherwise entitled to a homestead, not more than 100 acres, which may be in one or more parcels, with the improvements thereon.
- (c) A homestead is considered to be urban if, at the time the designation is made, the property is:
- (1) located within the limits of a municipality or its extraterritorial jurisdiction or a platted subdivision; and
  - (2) served by police protection, paid or volunteer fire protection, and at least three of the following services provided by a municipality or under contract to a municipality: (A) electric; (B) natural gas; (C) sewer; (D) storm sewer; and (E) water.
- (d) The definition of a homestead as provided in this section applies to all homesteads in this state whenever created.

**§ 41.003. Temporary Renting Of A Homestead.** Temporary renting of a homestead does not change its homestead character if the homestead claimant has not acquired another homestead.

**§ 41.004. Abandonment Of A Homestead.** If a homestead claimant is married, a homestead cannot be abandoned without the consent of the claimant's spouse.

**§ 41.005. Voluntary Designation of Homestead.** (a) If a rural homestead of a family is part of one or more parcels containing a total of more than 200 acres, the head of the family and, if married, that person's spouse may voluntarily designate not more than 200 acres of the property as the homestead. If a rural homestead of a single adult person, not otherwise entitled to a homestead, is part of one or more parcels containing a total of more than 100 acres, the person may voluntarily designate not more than 100 acres of the property as the homestead.

(b) If an urban homestead of a family, or an urban homestead of a single adult person not otherwise entitled to a homestead, is part of one or more contiguous lots containing a total of more than 10 acres, the head of the family and, if married, that person's spouse or the single adult person, as applicable, may voluntarily designate not more than 10 acres of the property of the homestead.

(c) Except as provided by Subsection (c) or Subchapter B, to designate property as a homestead, a person or persons, as applicable, must make the designation in an instrument that signed and acknowledged or proved in the manner required for the recording of the instruments. The person or persons must file the designation with the county clerk of the county which all or part of the property is located. The clerk shall record the designation in the county deed records. The designation must contain:

- (1) a description sufficient to identify the property designated;
- (2) a statement by the person or persons who executed the instrument that the property is designated as the homestead of the person's family or as the homestead of a single adult person not otherwise entitled to a homestead;
- (3) the name of the current record title holder of the property; and
- (4) for a rural homestead, the number of acres designated and, if there is more than one survey, the number of acres in each.

(d) A person or persons, as applicable, may change the boundaries of a homestead designated under Subsection (c) by executing and recording an instrument in the manner required for a voluntary designation under that subsection. A change under this subsection does not impair rights acquired by a party before the change.

(e) Except as otherwise provided by this subsection, property on which a person receives an exemption from taxation under Section 11.43, Tax Code, is considered to have been designated as the person's homestead under the subsection, the designation under Subsection (c) or Subchapter B, as applicable, prevails for purposes of this chapter.

(f) If a person or persons, as applicable, have not made a voluntary designation of a homestead under this section as of the time a writ of execution is issued against the person, any designation of the person's or persons' homestead must be made in accordance with Subchapter B.

(g) An instrument that made a voluntary designation of a homestead in accordance with prior law and that is on file with the county clerk on September 1, 1987, is considered a voluntary designation of a homestead under this section.