

## 2nd Sub. S.B. 225

### NOTICE OF PENDENCY OF ACTION AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 9, 2016 10:51 AM

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Representative V. Lowry Snow proposes the following amendments:

1. *Page 3, Lines 67 through 73*

*Senate 2nd Reading Amendments*

*3-4-2016:*

67           (3) In deciding a motion under Subsection (2), if the underlying action for which a  
68 notice of pendency of action is filed is an action for specific performance, a court shall order a  
69 notice released if:

70           (a) the court finds that the party filing the action has failed to satisfy the statute of  
71 frauds for the transaction under which the claim is asserted relating to the real property; or

72           (b) the court finds a substantial likelihood that the party who filed the notice will not be able to  
establish    {~~that~~} the elements necessary to require specific performance at trial by a preponderance  
of the evidence    {~~have not~~  
73 been established by a preponderance of the evidence.} .