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July 13, 2007

The Honorable Chief Justice Wallace B. Jefferson  
Supreme Court of Texas  
201 W. 14th Street  
Austin, Texas 78701

Re: HOME EQUITY LOAN FORECLOSURE TASK FORCE

Dear Chief Justice Jefferson:

Over the last few months, several members of the 1997 and 1999 Supreme Court Home Equity and Reverse Mortgage Rules Task Forces have discussed whether Tex. R. Civ. P. 735 and 736 needs to be reviewed to:

- (a) Add home equity line of credit loans to Rules 735 and 736, because this loan type was not added to Tex. Const. art. XVI §50(a)(6)(F) until September 13, 2003;
- (b) Add transferred tax lien loans to Rule 736 as required by Senate Bill 1520 that amends Tex. Tax Code §32.06(c)(2), effective September 1, 2007;
- (c) Make Rules 735 and 736 correspond to changes made in the last three legislative sessions to various sections of the Texas Property Code that relate to real property foreclosures;
- (d) Clarify how a reverse mortgage foreclosure must be conducted under Tex. Const. art. XVI §50(k)(11) if the maturing event is the death of the mortgagor and, after foreclosure, how title is transferred from the heirs-at-law of the mortgagor to the mortgagee; and
- (e) Update Rules 735 and 736 to resolve practical problems that have arisen in the foreclosure of home equity loans over the last nine years.

The purpose of this letter is to request the Texas Supreme Court to consider convening a new Foreclosure Task Force to review and recommend changes to Rules 735 and 736 under the chairmanship of W. Mike Baggett, who chaired both of the original Task Forces.

At your convenience, Mr. Baggett, James A. Baker, the Supreme Court's liaison to both of the original Task Forces, and the undersigned, who was the principal draftsman of the Rules, would be glad to respond to any questions that you may have, to include old and potential new members of the Task Force who would effectively represent the constituencies affected by Rules 735 and 736.

Mike Baggett's phone number is 214.745.5303, Judge Baker's phone number is 214.939.5403 and my phone number is 972.341.0539.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Tommy Bastian". The signature is fluid and cursive, with a long horizontal stroke at the end.

G. Tommy Bastian

cc: W. Mike Baggett  
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GTB/ejh