

President  
Gil Ernst



Executive Vice President & CEO  
Leslie Midgley, CAE

**Vanessa Burgess**

Deputy Executive Director  
Texas Real Estate Commission  
1700 Congress Ave, Suite 400  
Austin, TX 78701

Dear Ms. Burgess,

On behalf of the Texas Land Title Association (TLTA), please accept the following comments for consideration at the Broker–Lawyer Committee meeting scheduled for October 10, 2025.

Founded in 1908, The Texas Land Title Association (TLTA) is a statewide trade association representing the Texas title insurance industry and currently serving over 20,000 professionals involved in the safe and efficient transfer of real estate. In the course of their daily work, our membership serves over a million consumers each year. With active members in virtually every county in Texas, TLTA membership comprises approximately 75 percent of all title insurance agents and underwriters licensed to do business in Texas. From time to time, the Broker–Lawyer Committee addresses matters of significant importance to our industry, and we appreciate the opportunity to share our perspective to assist in your deliberations.

We understand that the Committee’s agenda includes discussion of a potential addition to Paragraph 20, *Federal Requirements*, of the standard contract to address the U.S. Department of Treasury Financial Crimes Enforcement Network (FinCEN) Final Residential Real Estate Reporting Rule.

TLTA appreciates the Commission’s timely attention to this issue. Compliance with the Rule will be complex and could create confusion for consumers and practitioners alike. For our members, clarity in contract provisions regarding buyer and seller responsibilities, as well as expense allocations, will be critical in ensuring a smooth and compliant closing process.

Specifically, including language that acknowledges the federal requirement, provides advance notice of the data-gathering obligation, and allocates responsibility for reporting costs will:

1. Reduce confusion about the necessity of the information request;
2. Allow adequate time for collecting required information to avoid closing delays; and
3. Resolve potential disputes in advance regarding any potential objections to sharing the information and/or who bears the cost of compliance.

To accomplish these goals, TLTA respectfully proposes adding the following provision to Paragraph 20, FEDERAL REQUIREMENTS of the contract:

“If this sale is subject to U.S. Department of Treasury Financial Crimes Enforcement Network (FinCEN) reporting requirements, Seller and Buyer will provide to Escrow Agent documents and information requested by Escrow Agent to comply with the FinCEN requirements promptly upon request so as not to prevent or delay closing. Any charge for the cost of gathering information and preparing and filing the report will be a Buyer Expense. Seller and Buyer are aware that closing will not occur or may be delayed if FinCEN reporting is required for the transaction and necessary documents and information are not timely furnished.”

We thank you for your consideration of this proposal and for your continuing efforts to benefit both consumers and license holders in Texas.

Sincerely,



Gil Ernst  
President



Leslie Midgley, CAE  
Executive Vice President and CEO