PROPERTY CODE

TITLE 4. ACTIONS AND REMEDIES

CHAPTER 30. WRIT OF ASSISTANCE FOR REPOSSESSION OF AIRCRAFT

Sec. 30.01.  DEFINITIONS.  In this chapter:

(1)  "Aircraft" means a self-propelled motor vehicle that can be used to transport a person by flight in the air.

(2)  "Repossession" means the recovery of an aircraft that has been sold under a security agreement containing a repossession clause authorizing the lender to recover the aircraft if the borrower defaults under the agreement.

(3)  "Repossession agent" means an individual who is authorized to engage in a repossession for a lender.

Added by Acts 2015, 84th Leg., R.S., Ch. 1125 (H.B. [3901](http://capitol.texas.gov/tlodocs/84R/billtext/html/HB03901F.HTM)), Sec. 1, eff. September 1, 2015.

Sec. 30.02.  WRIT OF ASSISTANCE FOR REPOSSESSION OF AIRCRAFT. (a)  A writ of assistance for the repossession of an aircraft authorizes a peace officer to assist and protect a repossession agent in gaining possession of the aircraft while the agent:

(1)  secures the aircraft on site; or

(2)  prepares the aircraft, which may include a mechanical inspection, for removal from the site by flight or otherwise to another location.

(b)  A writ of assistance for the repossession of an aircraft is valid for 30 days.

(c)  A justice court may grant unlimited extensions of a writ of assistance issued under this chapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 1125 (H.B. [3901](http://capitol.texas.gov/tlodocs/84R/billtext/html/HB03901F.HTM)), Sec. 1, eff. September 1, 2015.

Sec. 30.03.  PETITION FOR WRIT OF ASSISTANCE. (a)  A repossession agent may file a petition in a justice court for a writ of assistance for the repossession of an aircraft.

(b)  The repossession agent is entitled to the writ if the repossession agent establishes that:

(1)  the aircraft is subject to the proposed repossession; and

(2)  the repossession agent is authorized to engage in the repossession.

(c)  The petition for the writ must include a copy of:

(1)  the security agreement relating to the aircraft;

(2)  the notice of default under the security agreement sent by the lender to the borrower;

(3)  the instrument in which a power of attorney for the repossession is granted to the repossession agent by the lender; and

(4)  the results of a title search of the Federal Aviation Administration's records for the aircraft.

Added by Acts 2015, 84th Leg., R.S., Ch. 1125 (H.B. [3901](http://capitol.texas.gov/tlodocs/84R/billtext/html/HB03901F.HTM)), Sec. 1, eff. September 1, 2015.