

FRADULENT FILING

Pursuant to Section 51.901 of the Texas Government Code:

If a county clerk believes in good faith that a document filed with the county clerk to create a lien is fraudulent, the clerk shall:

- (1) request the assistance of the county or district attorney to determine whether the document is fraudulent before filing or recording the document;
- (2) request that the prospective filer provide to the county clerk additional supporting documentation; and
- (3) Forward any additional documentation received to the county Or district attorney.

Pursuant to Section 37.101 of the Texas Penal Code:

- (a) A person commits an offense if the person knowingly presents for filing or causes to be presented for filing a financing statement that the person knows:
 - (1) is forged;
 - (2) contains a material false statement; or
 - (3) is groundless.

- (b) An offense under Subsection (a)(1) is a felony of the third degree, unless it is shown on the trial of the offense that the person had previously been convicted under this section on two or more occasions, in which event the offense is a felony of the second degree. An offense under Subsection (a)(2) or (a)(3) is a Class A misdemeanor, unless the person commits the offense with the intent to defraud or harm another, in which event the offense is a state jail felony.