

## POST-JUDGMENT CIVIL PROCEDURES

*There are more post-judgment civil procedures available.  
You may seek professional legal counsel or research legal issues in the Law Library.  
Clerks may not assist in completing forms or give opinions or legal advice.*

POST-JUDGMENT REMEDY	DESCRIPTION	FEES
APPEAL: EVICTION (TEXAS RULES OF CIVIL PROCEDURE: 510.9)	MUST FILE APPEAL WITHIN 5 DAYS FROM RENDERING OF A JUDGMENT.	\$64.00 FILING FEE \$350.00 COUNTY CLERK FILING FEE (PAID DIRECTLY TO THE COUNTY CLERK) \$XXX APPEAL BOND \$XXX NON-PAYMENT OF RENT
APPEAL: CIVIL (TEXAS RULES OF CIVIL PROCEDURE: 506.1)	MUST FILE APPEAL WITHIN 21 DAYS FROM RENDERING A JUDGMENT, DISMISSAL, OR FROM OVERRULING A MOTION FOR A NEW TRIAL, REINSTATEMENT OR SETTING ASIDE A JUDGMENT.	\$64.00 FILING FEE \$350.00 COUNTY CLERK FILING FEE (PAID DIRECTLY TO THE COUNTY CLERK) \$XXX APPEAL BOND
MOTION TO REINSTATE AFTER DISMISSAL (TEXAS RULES OF CIVIL PROCEDURE: 505.3)	MOTION FILED NO LATER THAN 14 DAYS AFTER ORDER IS SIGNED SO THAT A CASE MAY BE REOPENED FOR FURTHER CONSIDERATION. <i>(DOES NOT APPLY TO EVICTION)</i>	\$54.00
MOTION TO SET ASIDE DEFAULT (TEXAS RULES OF CIVIL PROCEDURE: 505.3)	MOTION FILED NO LATER THAN 14 DAYS AFTER ORDER IS SIGNED TO OVERTURN OR SET ASIDE A COURT'S JUDGMENT OR FINAL RULING ON A CASE. <i>(DOES NOT APPLY TO EVICTION)</i>	\$0.00
MOTION FOR NEW TRIAL (TEXAS RULES OF CIVIL PROCEDURE: 505.3)	MOTION FILED NO LATER THAN 14 DAYS AFTER ORDER IS SIGNED FOR THE COURT TO VACATE THE JUDGMENT AND ORDER A NEW TRIAL. <i>(DOES NOT APPLY TO EVICTION)</i>	\$54.00
ABSTRACT OF JUDGMENT (TEXAS PROPERTY CODE: 520.001, 52.002, 52.003, AND 52.006)	CREATES A LIEN ON NON-EXEMPT REAL PROPERTY OF A DEFENDANT BASED ON A FINAL JUDGMENT (JUDGMENT ITSELF DOES NOT CREATE A LIEN). MUST BE PROPERLY FILED AND INDEXED IN THE COUNTY WHERE THE PROPERTY THEY WANT A LIEN ON IS LOCATED.	\$5.00 FOR EACH ABSTRACT OF JUDGMENT REQUESTED
WRIT OF EXECUTION (TEXAS RULES OF CIVIL PROCEDURE: 621, 627-633, 636-639, 649, 650)	DIRECTS THE SHERIFF OR CONSTABLE TO LEVY ON THE DEFENDANT'S NON-EXEMPT PROPERTY, SELL IT AND DELIVER THE PROCEEDS OF SALE TO THE PLAINTIFF TO BE APPLIED TOWARD SATISFACTION OF THE JUDGMENT. NO WRIT WILL BE ISSUED UNTIL 30 DAYS HAS EXPIRED SINCE JUDGMENT RENDERED OR MOTION FOR NEW TRIAL IS OVERRULED.	\$5.00 FILING FEE PLUS \$180.00 CONSTABLE SERVICE FEE IF LOCATED IN TARRANT COUNTY.

WRIT OF GARNISHMENT  (TEXAS RULES OF CIVIL PROCEDURE: 657-658, 667-669)	SATISFY JUDGMENT BY GETTING MONEY BELONGING TO THE DEFENDANT THAT IS HELD BY A 3 <sup>RD</sup> PARTY. ISSUED BY A JUSTICE COURT AFTER FINAL JUDGMENT WHEN PLAINTIFF SWEARS THE DEFENDANT HAS INSUFFICIENT NON-EXEMPT PROPERTY IN TEXAS TO SATISFY THE JUDGMENT ON EXECUTION. CASE IS DOCKETED SEPARATELY AND IS HANDLED AS A SEPARATE PROCEEDING AGAINST THE GARNISHEE. NOTE: GARNISHMENTS HAVE NOTHING TO DO WITH GARNISHING WAGES, WHICH IS NOT AVAILABLE FOR CIVIL JUDGMENTS IN TEXAS.	\$54.00 FILING FEE, \$5.00 WRIT FILING FEE, PLUS \$90.00 CONSTABLE SERVICE FEE IF LOCATED IN TARRANT COUNTY.
WRIT OF SCIRE FACIAS  (CIVIL PRACTICE AND REMEDIES CODE: 31.006)	IF A WRIT OF EXECUTION IS NOT ISSUED WITHIN 10 YEARS AFTER JUDGMENT, THE JUDGMENT IS DORMANT AND NO EXECUTION MAY BE ISSUED, UNLESS THE JUDGMENT IS REVIVED. REVIVES A JUDGMENT FOR ANOTHER 10 YEARS. MUST BE BROUGHT NOT LATER THAN TWO YEARS AFTER THE DATE THE JUDGMENT BECOMES DORMANT.	\$5.00 WRIT FILING FEE \$90.00 CONSTABLE SERVICE FEE IF LOCATED IN TARRANT COUNTY.
POST-JUDGMENT DISCOVERY  (TEXAS RULES OF CIVIL PROCEDURE: 621a)	PARTIES MAY CONDUCT POST-JUDGMENT DISCOVERY TO FIND INFORMATION TO AID IN ENFORCEMENT AT ANY TIME AFTER JUDGMENT AS LONG AS NO APPEAL HAS BEEN PERFECTED AND JUDGMENT IS NOT DORMANT. NOT REQUIRED TO BE FILED WITH THE COURT. THE PARTY REQUESTING DISCOVERY MUST GIVE THE RESPONDING PARTY AT LEAST 30 DAYS TO RESPOND TO A REQUEST.	\$0.00
TURNOVER  (CIVIL PRACTICE AND REMEDIES CODE: CHAPTER 31.002)	JUDGMENT CREDITOR BY APPLICATION TO THE COURT SEEKS TO REACH PROPERTY TO OBTAIN SATISFACTION ON THE JUDGMENT. WHERE THE DEBTOR OWNS PROPERTY THAT CANNOT READILY BE ATTACHED OR LEVIED ON BY ORDINARY PROCESS; AND IS NOT EXEMPT FROM ATTACHMENT, EXEMPTION OR SEIZURE.	\$5.00 FILING FEE \$180.00 CONSTABLE SERVICE FEE IF APPLICABLE
BILL OF REVIEW  (TEXAS RULES OF CIVIL PROCEDURE: RULE 329B(f))	A BILL OF REVIEW IS AN ACTION BY A PARTY TO A FORMER SUIT WHO IS SEEKING TO HAVE A DEFAULT JUDGMENT SET ASIDE AFTER THE TIME TO FILE A MOTION FOR A NEW TRIAL OR AN APPEAL HAS PASSED. BAKER V. GOLDSMITH; RULE 329B(F). IT IS AN INDEPENDENT ACTION SEEKING TO SET ASIDE A DEFAULT JUDGMENT. CALDWELL V. BARNES.	\$54.00 FILING FEE \$180.00 CONSTABLE SERVICE FEE IF APPLICABLE

<p>POST-JUDGMENT RECEIVERSHIPS</p> <p>(Texas Civil Practice and Remedies Code § 31.002)</p>	<p>A RECEIVERSHIP IS A LEGAL PROCESS THAT TAKES PLACE AFTER A COURT ISSUES A JUDGMENT AGAINST SOMEONE WHO OWES MONEY. THE COURT APPOINTS A NEUTRAL THIRD PARTY, CALLED A RECEIVER, TO FIND AND TAKE CONTROL OF THE DEBTOR'S NON-PROTECTED (NON-EXEMPT) PROPERTY. THE RECEIVER THEN USES THE MONEY COLLECTED (OR THE PROCEEDS FROM SELLING OTHER TYPES OF PROPERTY) TO PAY OFF THE DEBT. WHILE THE RECEIVER HELPS COLLECT THE DEBT, THEY WORK FOR THE COURT—NOT THE CREDITOR—and must act fairly and impartially.</p>	<p>WHO CAN SERVE AS RECEIVER IN TEXAS RECEIVERSHIP?</p> <p><b>THE PROPOSED RECEIVER MUST BE:</b></p> <ul style="list-style-type: none"> <li>• A TEXAS CITIZEN AND QUALIFIED VOTER</li> <li>• NEUTRAL AND INDEPENDENT FROM ALL PARTIES IN THE DISPUTE</li> <li>• QUALIFIED TO MANAGE THE SPECIFIC PROPERTY OR BUSINESS</li> </ul> <p>USUALLY A THIRD-PARTY ATTORNEY</p>
<p>FREE OR LOW-COST LEGAL RESOURCES</p>	<p><b>Legal Aid of Northwest Texas</b>  <a href="http://internet.lanwt.org">internet.lanwt.org</a>   888-529-5277</p> <p><b>Lone Star Legal Aid</b>  <a href="http://www.lonestarlegal.org">www.lonestarlegal.org</a>   800-733-8394</p> <p><b>Texas Law Help</b>  <a href="http://www.texaslawhelp.org">www.texaslawhelp.org</a></p> <p><b>State Bar of Texas</b>  <b>Lawyer Referral Service</b>  <a href="http://www.texasbar.com">www.texasbar.com</a>   800-252-9690</p>	