

Evictions: Post-Trial and Appellate Research Guide

Overview

This research guide includes information and resources on appellate and posttrial procedures in eviction cases. The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

See also: *Landlord-Tenant Issues Research Guide*

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Rules of Civil Procedure
<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rule 510 Eviction Cases
- Rule 635 Stay of Execution in Justice Court

Texas Property Code

- Ch. 24 Forcible Entry and Detainer
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.24.htm>
- Ch. 91 Provisions Generally Applicable to Landlords & Tenants
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.91.htm>
- Ch. 92 Residential Tenancies
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.92.htm>
- Ch. 93 Commercial Tenancies
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.93.htm>
- Ch. 94 Manufactured Home Tenancies
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.94.htm>

Texas Rules of Appellate Procedure

<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rule 24 Suspension of Enforcement of Judgment Pending Appeal in Civil Cases

Secondary Resources in Print

Dorsaneo's Texas Litigation Guide REF KFT 1730 .T4

- Vol. 9, Ch. 132 Enforcement of Judgments
- Vol. 10, Ch. 148 Suspending Enforcement Appeal; § 148.53 Supersedeas Bond

Texas Practice Guide REF KFT 1280 .T4931

- Civil Appeals: Vol. 1, Ch. 4 Stays and Supersedeas

West's Texas Forms Business Litigation REF KFT 1268 .W47

- Vol. 5, Ch. 35 Appeals from Justice Courts §35.1.19 Affidavit in support of stay of execution

Texas Forms Pleading and Practice REF KFT 1730 .A65T482

- Vol. 7, Ch. 113 Executions
 - §113:21 Application—Seeking stay of execution
 - §113:22 Affidavit—In support of application for stay of execution
- Vol. 8, Ch. 153 Justice Courts, Etc.
 - §153:27 Affidavit—For Stay of execution
 - §153:28 Acknowledgment or bond for stay of execution
- Vol. 10, Ch. 198 Possession, Writ of

West's Texas Forms REF KFT 1268 .W47

- Vol. 1A, Ch. 16 Texas Forcible Entry and Detainer Evictions

Texas Foreclosure Manual REF KFT 1330.5 .F6S7

- Ch. 34 Residential Evictions Following Foreclosure

Practitioner's Guide to Civil Appeals in Texas REF KFT 1755 .P73

- Ch. 8 Staying the Execution and Superseding the Judgment

Carlson's Texas Rules of Appellate Procedure Annotated REF KFT 1755 .A34H36

- Appendix, Forms 24.1a-24.2b Supersedeas Bond/in Lieu of Supersedeas Bond

CLE Materials

Advanced Civil Appellate Practice KFT 1755 .A75S7

- 2020 Ch. 8 Supersedeas – What for and How Much?
- 2020 Ch. 24 There's a Judgment, Now What?
- 2018 Ch. 3: Supreme Court of Texas Update, Section XXVI. Procedure – Appellate, Subsection B. Supersedeas Bonds, p. 63.

Advanced Civil Trial Course KFT 1738 .A2S73

- 2020 Ch. 4 Math for Lawyers: Calculating Damages under Chapter 33, Interest, and Supersedeas Bonds

Civil Appellate Practice 101 KFT1755 .A75 C59

- 2015 Ch. 11 Supersedeas Issues in Texas

Litigation Update Institute Course KFT 1738 .A2S7

- 2013 Ch. 1: Supreme Court of Texas Update, Section XXX. Procedure – Trial and Post-Trial – Subsection H. Supersedeas Deposit, p. 66

Real Estate Law 101 KFT 1312 .A75R22

- 2020 Ch. 4 Texas Foreclosures and Evictions 101

Online Resources

Appealing an Eviction (TSLL)

<https://guides.sll.texas.gov/landlord-tenant-law/appealing-an-eviction>

Texas Law Help (www.texaslawhelp.org)

- Appealing an Eviction
<https://texaslawhelp.org/article/appealing-an-eviction>
- The Property I'm Renting Changed Ownership. Now What?
<https://texaslawhelp.org/article/the-property-im-renting-changed-ownership-now-what>
- Setting Aside a Default Eviction Judgment
<https://texaslawhelp.org/article/setting-aside-a-default-eviction-judgment>

Texas Justice Court Training Center Forms: Order Staying Writ of Possession for 30 Days in Manufactured Home Eviction <https://gato-docs.its.txstate.edu/jcr:00992fd4-c408-40fb-ae2-c508fd9a1919/Order%20Staying%20Writ%20of%20Possession%20in%20MFH%20Eviction.docx>

Charlie Frazier, "A Supersedeas Checklist: Steps for preventing execution on a judgment pending appeal," *Texas Bar Journal* (Vol. 86, No. 6), 403-406. (Available on Hein Online)

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)