

## JUSTICE COURT SEVEN: 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
<b>APPEAL: EVICTION</b> (TEXAS RULES OF CIVIL PROCEDURE: 510.9)	MUST FILE APPEAL WITHIN 5 DAYS FROM RENDERING OF A JUDGMENT.	<b>\$64.00</b> FILING FEE <b>\$350.00</b> COUNTY CLERK FILING FEE <b>\$XXX</b> APPEAL BOND <b>\$XXX</b> NON-PAYMENT OF RENT
<b>APPEAL: CIVIL</b> (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.	<b>\$64.00</b> FILING FEE <b>\$350.00</b> COUNTY CLERK FILING FEE <b>\$XXX</b> APPEAL BOND
<b>MOTION TO REINSTATE AFTER DISMISSAL</b> (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>	<b>\$54.00</b> FILING FEE
<b>MOTION TO SET ASIDE DEFAULT</b> (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>	<b>\$0.00</b>
<b>MOTION FOR NEW TRIAL</b> (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>	<b>\$54.00</b> FILING FEE
<b>ABSTRACT OF JUDGMENT</b> (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.	<b>\$5.00</b> FOR EACH ABSTRACT OF JUDGMENT REQUESTED
<b>WRIT OF EXECUTION</b> (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.	<b>\$5.00</b> FILING FEE PLUS <b>\$150.00</b> CONSTABLE SERVICE FEE IF LOCATED IN TARRANT COUNTY.
<b>WRIT OF GARNISHMENT</b> (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	<b>\$54.00</b> FILING FEE, <b>\$5.00</b> WRIT FILING FEE, PLUS <b>\$75.00</b> CONSTABLE SERVICE FEE IF LOCATED IN TARRANT COUNTY.

	GARNISHING WAGES, WHICH IS NOT AVAILABLE FOR CIVIL JUDGMENTS IN TEXAS.	
<b>WRIT OF SCIRE FACIAS</b> (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.	<b>\$5.00</b> WRIT FILING FEE <b>\$75.00</b> CONSTABLE SERVICE FEE IF LOCATED IN TARRANT COUNTY.
<b>POST-JUDGMENT DISCOVERY</b> (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.	<b>\$0.00</b>
<b>TURNOVER</b> (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.	<b>\$0.00</b>