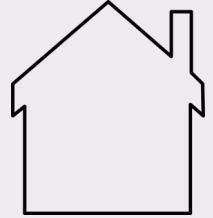


Eviction Appeal from Justice Court to County Court In Travis County

Keep in Mind:

1. Appealing allows a Tenant additional time to stay in the rental unit, but it also costs money. To see examples, read *I was Evicted; Should I Appeal?*
2. Even though the *Statement of Inability* form can waive the court fees to appeal, filing this form requires the tenant to pay rent into the court registry.
3. There are court deadlines. If the tenant misses a deadline, the landlord can ask for a *Writ of Possession*. This means law enforcement can remove the tenant's belongings from the rental unit.

This kit includes:



- Steps in an appeal
- I was Evicted; Should I appeal?
- How Do I Appeal an Eviction for Nonpayment of Rent When I Want to Stay in Rental Unit?
- In County Court

Forms in this kit:

Appeal forms — There are three types. Choose ONE:

- 1) *Tenant's Appeal Bond* —OR—
- 2) *Tenant's Cash Deposit* —OR—
- 3) *Statement of Inability to Afford Payment of Court Costs or an Appeal Bond* (called "*Statement of Inability*").

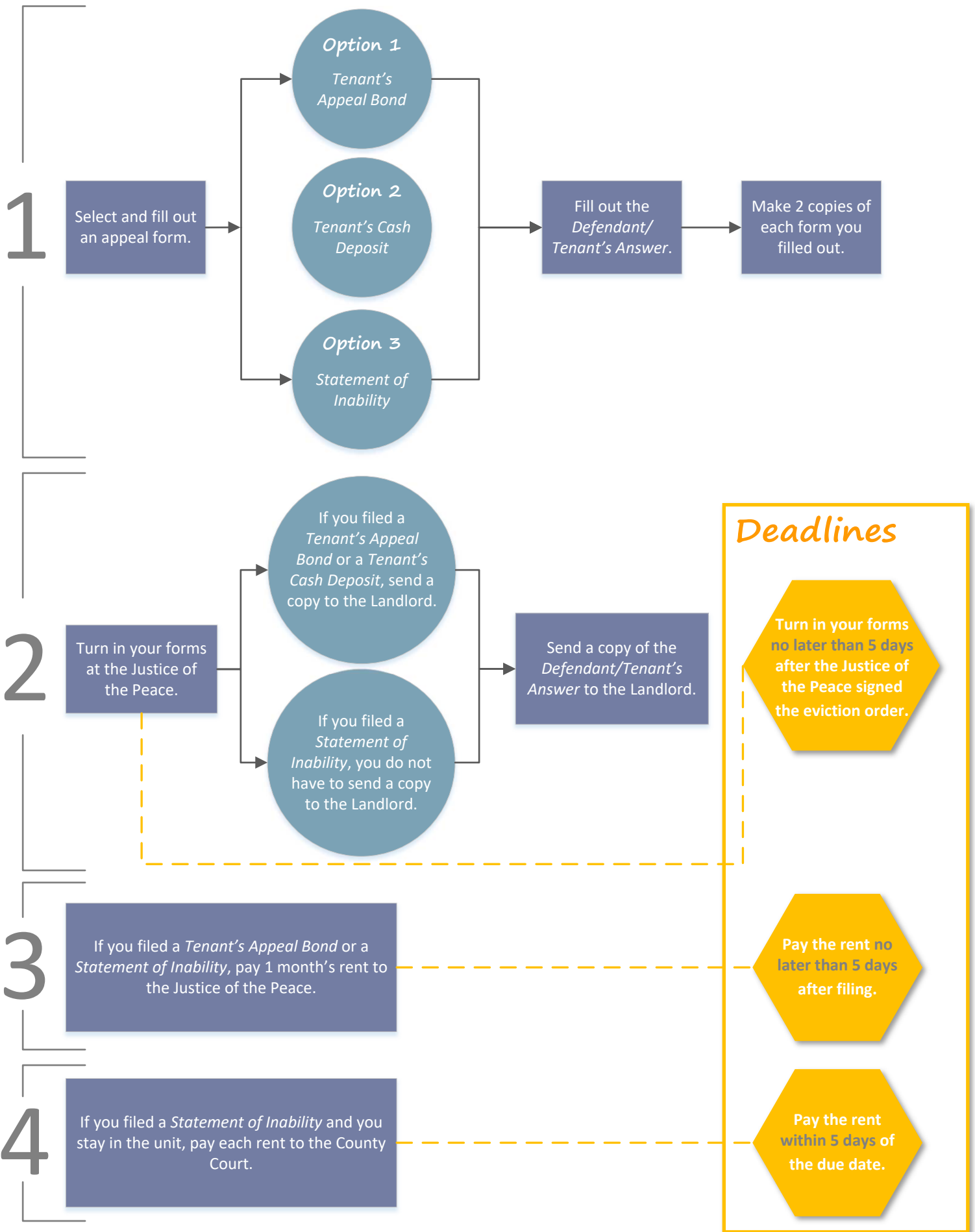
Other forms:

- *Defendant/Tenant's Answer*
- *Tenant's Motion for Appointed Attorney*

For More Help:

- ★ The **Austin Tenant's Council** offers telephone counseling on housing issues 512-474-1961 Monday to Thursday from 9 am to noon & 1 PM to 4 PM www.Housing-Rights.org. No legal advice can be provided.
- ★ **Free Legal Advice Clinic** twice weekly during the school year. Arrive at 6 pm: Wednesdays at Webb Middle School, 601 East St. Johns Street, Austin, TX 78752. Check www.vlsoct.org/advice to confirm that the clinic is scheduled.

Steps in an Appeal



I was Evicted; Should I Appeal?



*If you were evicted for not paying rent ...
but you want to stay . . .*

If you disagree with an eviction order, you can request a “do-over”—a new trial before a different judge. This is called an “appeal.”

To get this do-over (new trial), you must turn in certain forms **within 5 days** of the eviction order. You turn in (file) the forms with the JP Court that ordered the eviction. When those forms are filed, your eviction case is moved from the JP Court to County Court (sometimes called the County Court at Law). At the County Court level the case starts again as if there was no eviction in JP Court.

But, there is a catch.

For most tenants, to get the new trial, you must **deposit 1 month’s rent** with the JP Court **within 5 days** of asking for an appeal. Also, for most tenants who want to stay, you have to deposit **each next rental payment** with the County Court **within 5 days** of it becoming due. (The JP Court determines the monthly rent amount in all cases. If a government agency is responsible for some or all of the rent, the tenant must pay only the portion determined by the JP Court.)

If you don’t pay the month’s rent and each next rental payment then the landlord can get a *Writ of Possession*. A “Writ of Possession” means the landlord can have the constable remove you and your belongings. Also, you will lose the appeal.

If you deposit some, but not all of the money, you will lose the money. Even if you win the new trial, you lose the money you deposited with the court(s) because the money is rent you owe.

Example 1: No appeal (new trial) filed

John’s rent is \$500, due on the first of each month. In January, John fails to pay his rent. On January 15, the landlord posts a notice to vacate on the inside of his door, giving him 3 days to vacate. A week later, John is served with an eviction lawsuit. John appears in JP Court in late January, but the JP Court enters an eviction order. John has 5 days to file a form to get a new trial.

John does NOT file the appeal/new trial form.

The landlord can get a *Writ of Possession* (to have John and his possessions removed) on the 6th day after the JP Court evicted John.

Outcome:

John has not paid any additional money.

The constable can be ordered to remove John and his belongings 6 days after the eviction order.

Example 2: Appeal (new trial) filed but 1 month’s rent NOT paid to JP Court

Special Rules for *Tenant’s Appeal Bond* or *Statement of Inability to Afford Payment of Court Cost or Appeal Bond* (“Statement of Inability”)

John’s rent is \$500, due on the first of each month. In January, John fails to pay his rent. On January 15, the landlord posts a notice to vacate on the inside of his door, giving him 3 days to vacate. A week later, John is served with an eviction lawsuit. John appears in JP Court in late January, but the Justice of the Peace enters an eviction order. John has 5 days to file a form to get a new trial.

John files a form for a new trial (by turning in either a *Tenant’s Appeal Bond* or a *Statement of Inability*), **but he does NOT deposit 1 month’s rent** to the JP Court within 5 days of filing the form.

On the 6th day after John filed his appeal form (but no cash for 1 month’s rent), the Justice of the Peace can sign a *Writ of Possession* (to have John and his possessions removed).

Outcome:

John has not paid any additional money to the Court.

The constable can be ordered to remove John and his belongings 11 days after the eviction order.

John has delayed the process by at least 5 days.

Example 3: Appeal (new trial) filed, 1 month's rent paid to JP Court, but current rent NOT paid to County Court.

Special Rules for *Statement of Inability*

John's rent is \$500, due on the first of each month. In January, John fails to pay his rent. On January 15, the landlord posts a notice to vacate on the inside of his door, giving him 3 days to vacate. A week later, John is served with an eviction lawsuit. John appears in JP Court in late January, but the Justice of the Peace enters an eviction order. John has 5 days to file a form to get a new trial.

John files a form for a new trial (by turning in a *Statement of Inability* form). If John files a *Statement of Inability*, he has an additional 5 days to pay 1 month's rent. **John makes the 1 month's rent payment** (\$500) to the JP Court within 5 days after filing his *Statement of Inability*. The case moves to County Court.

However, John's February rent has to be paid to the County Court by February 5th. **John does not make the current (February) rent payment** by February 5th.

The landlord can ask the County Court to enter a *Writ of Possession* (to have John and his possessions removed). The first time this happens, the County Court may allow John to remain in the unit while the case is pending if John pays the February rent and the landlord's attorney's fees before the hearing. The judge does not have to give John a second chance and the judge can only do this one time if John fails to deposit current rent by the 5th of each month. John's failure to pay the February rent can result in the *Writ of Possession* (to have John and his possessions removed).

Outcome:

John has paid an additional \$500.

John has delayed by several days having the constable remove him and his belongings.

He may be ordered to pay additional costs, such as attorney's fees.

Example 4: Appeal (new trial) filed, 1 month's rent paid to JP Court, and current rent paid to County Court

Special Rules for *Statement of Inability*

John's rent is \$500, due on the first of each month. In January, John fails to pay his rent. On January 15, the landlord posts a notice to vacate on the inside of his door, giving him 3 days to vacate. A week later, John is served with an eviction lawsuit. John appears in JP Court in late January, but the Justice of the Peace enters an eviction order. John has 5 days to file a form to get a new trial.

John files a form for a new trial (by turning in a *Statement of Inability* form). If John filed a *Tenant's Appeal Bond or Statement of Inability* he has an additional 5 days to deposit 1 month's rent.

John pays the 1 month's rent (\$500) to the JP Court within the 5 day period.

Because John appealed by turning in a *Statement of Inability*, his February rent has to be paid to the County Court by February 5th. **John makes the current (February) \$500 rent payment** to the County Court by February 5th.

In late February, John has his new hearing on the eviction lawsuit and the County Court judge also rules against John.

Outcome:

John has paid an additional \$1,000.

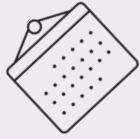
John has delayed by a few weeks having the constable remove him and his belongings.

He may be ordered to pay additional costs, such as attorney's fees.

For more help

- ★ To learn how to appeal, read "**How to Appeal an Eviction for Non-Payment of Rent when You Want to Stay.**"
- ★ The **Austin Tenant's Council** offers telephone counseling on housing issues 512-474-1961 Monday to Thursday from 9 AM to noon & 1 to 4 PM www.Housing-Rights.org. No legal advice can be provided.
- ★ **Free Legal Advice Clinic** twice weekly during the school year. Arrive at 6 pm:
— Wednesdays at Webb Middle School, 601 East St. Johns Street, Austin, TX 78752. Check www.vlsoct.org/advice to confirm that the clinic is scheduled.

How Do I Appeal an Eviction for Nonpayment of Rent When I Want to Stay in Rental Unit?



If you disagree with an eviction order for nonpayment of rent, you can request a do-over—a new trial before a different judge. If you are unsure if you want to appeal, learn more here: *Should I Appeal?*

To get a new trial, you must turn in an appeal form with the JP Court **no later than 5 days** after the eviction order was signed. **Note:** The 5 days include weekends and holidays. If the deadline falls on the day the JP Court is closed (or is not open until 5:00 PM) you can file the form on the next day that the JP Court is open.



Step 1: Select, fill out, and make 2 copies of the form to appeal.

There are 3 ways to appeal. You must decide to turn in either a *Tenant's Appeal Bond* or a *Tenant's Cash Deposit* or a *Statement of Inability to Afford Payment of Court Costs or Appeal Bond* (called "*Statement of Inability*" for short). Select the correct form based on your income, debts, and property.

Note: Tenants appealing an eviction for nonpayment of rent often use the *Statement of Inability*. The reason is that if most tenants had the money for an appeal bond or a cash deposit then they would not have been evicted for nonpayment of rent.

Tenant's Appeal Bond

Many people who are evicted for nonpayment of rent cannot qualify for an appeal bond.

An appeal bond is a promise to pay the landlord the amount of the bond if you lose the new trial. The bond is usually 2 times the money amount the JP Court awarded to the landlord (past due rent, court costs, attorney's fees, etc.). If you file a *Tenant's Appeal Bond*, you will still have to pay additional costs to the County Court for the new trial. Also, you will have to deposit one month's rent with the JP within 5 days of filing the *Tenant's Appeal Bond*. A *Tenant's Appeal Bond* must be signed by you and 2 others (called *sureties*) and it guarantees to cover the bond amount.

-or-

Tenant's Cash Deposit

Most people who are evicted for nonpayment of rent who cannot qualify for an appeal bond also cannot afford to deposit the full cash amount of the bond.

If the tenant cannot qualify for a *Tenant's Appeal Bond*, the full cash amount of the appeal bond (usually 2 times the money amount the JP awarded to the landlord) can be deposited with the JP Court. If you file the full cash deposit, you will likely have to pay additional costs to the County Court for the new trial.

-or-

Statement of Inability to Afford Payment of Court Costs or Appeal Bond

Most people who are evicted for nonpayment of rent use this form.

Fill out the *Statement of Inability* if you cannot qualify for a *Tenant's Appeal Bond* and you do not have money for the *Tenant's Cash Deposit* and future court costs.

If you file this form, you must deposit one month's rent with the JP Court within 5 days of filing the *Statement of Inability*. You will not have to pay the additional court costs to the County Court for the new trial. But if you stay in the rental unit, you must pay future rent to the County Court within 5 days of it being due.



Turning in 1 of these 3 forms (*Tenant's Appeal Bond* or *Tenant's Cash Deposit* or the *Statement of Inability*) to the JP Court within 5 days of the eviction order starts the process to get a new trial before a County Court judge.

Note: If you appeal by turning in a *Tenant's Appeal Bond* or a *Statement of Inability*, you must deposit one month's past due rent with the JP within 5 days. (The JP Court determines the monthly rent amount in all cases. If a government agency is responsible for some or all of the rent, the tenant must pay only the portion determined by the JP Court.) If you do not deposit one month's rent with the JP Court within 5 days of filing the *Tenant's Appeal Bond* or the *Statement of Inability* the JP Court can sign a *Writ of Possession* without any notice to you. This means the constable can remove you and your possessions from the rental property.

	<i>Tenant's Appeal Bond</i>	<i>Tenant's Cash Deposit</i>	<i>Statement of Inability</i>
Pay 1 month's rent to JP Court within 5 days of filing?	YES	NO	YES
Pay County Court costs?	YES	YES	NO
Pay rent to County Court within 5 days of due date?	NO	NO	YES

Additional form: Defendant/Tenant's Answer

Fill out and turn in the *Defendant/Tenant's Answer* with the JP Court when you file the appeal form (either the *Tenant's Appeal Bond* or *Tenant's Cash Deposit* or the *Statement of Inability*), if you have not already done so.

Next:

After you select and fill out the appeal form and the Defendant/Tenant's Answer, **make 2 copies.**

Step 2: Turn in your forms to the JP Court and send a copy to the landlord.



Turn in your appeal form (either the *Tenant's Appeal Bond* or *Tenant's Cash Deposit* or *Statement of Inability*) with the JP Court no later than **5 days** after the Justice of the Peace signed the eviction order.

If you miss the deadline, the eviction order will stay in place and you cannot get a new trial before a different judge. The 5 days include weekends and holidays. If the deadline falls on the day the JP Court is closed (or is not open until 5:00 PM) you can file the form on the next day that the JP Court is open. Also file the Defendant/Tenant's Answer with the JP Court.

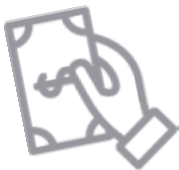
If you file the *Tenant's Appeal Bond* or *Tenant's Cash Deposit*, send a copy to the Plaintiff/Landlord's agent within 5 days of turning it into the JP Court. Send by fax, email, commercial delivery service (such as FedEx or UPS), personal delivery, or certified mail, return receipt requested. Keep proof that you sent it to the landlord and bring that proof with you to the County Court hearing.

If you file a *Statement of Inability*, you **do not** have to send a copy to the landlord. The JP Court will do that for you.

Note: When you file the *Defendant/Tenant's Answer*, you must send a copy to the landlord.

Step 3: Pay 1 month's rent to the JP Court if you filed either a *Tenant's Appeal Bond* or a *Statement of Inability*.

If you turn in a *Tenant's Appeal Bond* or a *Statement of Inability*, you must pay the amount of rent stated in the eviction order (1 month's rent as determined by the JP Court) to the JP Court no later than 5 days after filing one of these appeal forms.



If you miss this deadline, the JP Court may sign a *Writ of Possession* allowing the constable to remove you and your property without giving you any notice or hearing. (If you pay the entire cash bond to start the appeal, you do not have to deposit 1 month's rent within 5 days of the eviction order.)

If a government agency is responsible for some or all of the rent, the tenant must pay only the portion determined by the JP Court.

Step 4: Pay each next rental payment to the County Court within 5 days of the due date if you turned in a *Statement of Inability* and you stay in the rental unit.



This rule only applies if you turn in the *Statement of Inability* form and you stay in the rental unit. If so, you must pay *each* month's rent to the County Court within 5 days of the due date.

If you don't make each month's rent payment to the County Court on time, the landlord can ask the County Court to enter a *Writ of Possession* (to have you and your possessions removed). The first time this happens, the County Court *may* allow you to remain in the unit while the case is pending if you pay the rent and the landlord's attorney's fees before the hearing to have you removed.

The County Court judge does not have to give you a second chance and the judge can only do this one time if you fail to deposit each rent payment within 5 days of the due date.

In County Court

My County Court Eviction Trial for Nonpayment of Rent when I Want to Stay.



Before you get a new eviction trial in County Court...

- ? Did you turn in a form to appeal within 5 calendar days from the Justice of the Peace (JP) Court eviction order?
- ? Did you tell the landlord about the appeal in the correct way? You must have sent a copy of your appeal form to the landlord if you turned in either the *Tenant's Appeal Bond* or *Tenant's Cash Deposit Bond*. (If you appealed by turning in a *Statement of Inability*,* the JP Court will send the form to the landlord for you.)
- ? Did you pay 1 month's rent to the JP Court within 5 days of turning in the appeal form? If you turned in a *Tenant's Cash Deposit Bond*, you do not have to make the 1 month's payment.

Get Help

The **Austin Tenant's Council** offers telephone counseling on housing issues

512-474-1961

Monday to Friday

9 AM to noon & 1 to 4 PM

www.Housing-Rights.org

To learn more, read:

I was Evicted; Should I Appeal?

How do I Appeal an Eviction for Non-Payment of Rent When I want to Stay in the Rental Unit?

*The form "*Statement of Inability to Afford Payment of Court Cost or Appeal Bond*" is called "*Statement of Inability*" for short.

What do I do next?

- 1** **Pay each month's rent** to the County Court within 5 days of it becoming due *if*
 - you appealed by turning in a *Statement of Inability* **and**
 - you remain in the rental unit.

(The JP Court determines the monthly rent amount in all cases. If a government agency is responsible for some or all of the rent, the tenant must pay only the portion determined by the JP Court.)
- 2** **Pay the filing fee** to the County Court **unless** you appealed by turning in the *Statement of Inability*.
If you appealed by turning in either a *Tenant's Appeal Bond* or a *Tenant's Cash Deposit Bond*, the County Clerk will send you a notice of the amount due. You must pay this amount to the County Clerk within 20 days. **If you turned in a *Statement of Inability* you do not have to pay the filing fee.**
- 3** **Turn in *Defendant/Tenant's Answer*** form with the County Court (if you did not turn it in with the JP Court) no later than 8 days after the County Court receives your case
- 4** **Turn in a *Tenant's Request for Court Appointed Attorney*** with the County Court if you want to ask the judge to appoint you a free lawyer. *Note:* Unlike a criminal case, the judge does not have to appoint you a free lawyer.

	<i>Tenant's Appeal Bond</i>	<i>Tenant's Cash Deposit</i>	<i>Statement of Inability</i>
Pay County Court Filing Fees?	YES	YES	NO
Pay Rent to County Court within 5 days of due date?	NO	NO	YES

How does the case get set for a trial?

Rarely is the tenant in a hurry to have another eviction trial. More often, the landlord requests a date and time for the trial.

- Either you or the landlord can set the case for a trial. The trial setting will not happen automatically. The trial cannot be held until 8 days after the County Court has received your case from the Justice of the Peace court.
- Travis County Local Rules require the tenant and the landlord (or the agent/lawyer) to try to agree to a trial date that is convenient for both sides. The County Court Operations Officer or Judicial Aide can give you a list of dates and times for eviction trials. Once a trial date is set, a *Notice of Trial Setting* should be filed with the County Court and sent to the other side. (For example, if the landlord sets the hearing date, the *Notice of Trial* must be sent to the tenant.)



Remember: if you are still in the rental unit and you appealed by turning in a *Statement of Inability*, you **must** pay each month's rent to the County Court within **5 days** of it becoming due. The monthly rent was determined by the JP Court and the amount is in the eviction order.

Remember: If you have not turned in the *Defendant/Tenant's Answer*, do so no later than 8 days after the County Court has received your file. If you want a court appointed lawyer, and have not turned in the *Tenant's Request for Court Appointed Attorney*, do so before the trial.

I received a Notice of Trial Setting. What do I do next?

- **Go to the trial!** Sometimes the landlord will lose on a technicality. For example, the landlord may have failed to properly give notice to vacate or may have failed to wait 3 days after the notice of eviction before filing the lawsuit with the JP Court. If so, the judge should deny the eviction. Sometimes the landlord or the attorney or even the judge has a last minute conflict and doesn't show up for the trial. If so, the case may be reset for a later date. Also, the judge may appoint you an attorney and reset the case.
- **Bring copies** of all the forms you have filed with the courts (for example, *Defendant/Tenant's Answer*, *Tenant's Motion for Appointed Attorney*, receipt of rent paid to courts, and *Tenant's appeal form*-- either the *Tenant's Appeal Bond*, *Tenant's Cash Deposit Bond* or *Statement of Inability*).



The County Courts are located on the second floor of the Civil Courthouse at 1000 Guadalupe, Austin, Texas.

What Happens at the Trial?

There are usually many eviction cases set at the same time. The judge will check to see if all the people on all the cases are in the courtroom. When your name is called, tell the judge you are there.

If you want a court-appointed attorney, tell the judge. After the judge knows who is there, the judge will begin hearing the eviction cases one by one.

When it's time for your case, the judge will either reset your case or have the trial. During the trial, the landlord will go first. After, you get a chance to tell your side and present any evidence or witnesses. Usually when there is a trial, the judge will rule for or against evicting you at that time.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA



Cause Number: _____
(The Clerk's office will fill in the Cause Number when you file this form)

Plaintiff: _____
(Print first and last name of the person filing the lawsuit.)

And

In the *(check one):*
_____ Court Number
 District Court
 County Court / County Court at Law
 Justice Court

Defendant: _____
(Print first and last name of the person being sued.)

_____ Texas
County

Statement of Inability to Afford Payment of Court Costs or an Appeal Bond

1. Your Information

My full legal name is: _____ My date of birth is: ____/____/____
First Middle Last Month/Day/Year

My address is: *(Home)* _____
(Mailing) _____

My phone number: _____ My email: _____

About my **dependents**: "The people who depend on me financially are listed below."

<i>Name</i>	<i>Age</i>	<i>Relationship to Me</i>
1 _____	_____	_____
2 _____	_____	_____
3 _____	_____	_____
4 _____	_____	_____
5 _____	_____	_____
6 _____	_____	_____

2. Are you represented by Legal Aid?

I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.

-or-

I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

or-

I am not represented by legal aid. I did not apply for representation by legal aid.

3. Do you receive public benefits?

I do not receive needs-based public benefits. - or -

I receive these **public benefits/government entitlements** that are based on indigency:

(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)

- Food stamps/SNAP TANF Medicaid CHIP SSI WIC AABD
- Public Housing or Section 8 Housing Low-Income Energy Assistance Emergency Assistance
- Telephone Lifeline Community Care via DADS LIS in Medicare ("Extra Help")
- Needs-based VA Pension Child Care Assistance under Child Care and Development Block Grant
- County Assistance, County Health Care, or General Assistance (GA)
- Other: _____

4. What is your monthly income and income sources?

"I get this monthly income:

\$ _____ in monthly wages. I work as a _____ for _____.
Your job title Your employer

\$ _____ in monthly unemployment. I have been unemployed since (date) _____.

\$ _____ in public benefits per month.

\$ _____ from other people in my household each month: (List only if other members contribute to your household income.)

\$ _____ from Retirement/Pension Tips, bonuses Disability Worker's Comp
 Social Security Military Housing Dividends, interest, royalties
 Child/spousal support
 My spouse's income or income from another member of my household (If available)

\$ _____ from other jobs/sources of income. (Describe) _____

\$ _____ is my **total monthly** income.

5. What is the value of your property?

"My property includes:	Value*
Cash	\$ _____
Bank accounts, other financial assets	\$ _____
_____	\$ _____
_____	\$ _____
Vehicles (cars, boats) <small>(make and year)</small>	\$ _____
_____	\$ _____
_____	\$ _____
Other property (like jewelry, stocks, land, another house, etc.)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total value of property	→ \$ _____

6. What are your monthly expenses?

"My monthly expenses are:	Amount
Rent/house payments/maintenance	\$ _____
Food and household supplies	\$ _____
Utilities and telephone	\$ _____
Clothing and laundry	\$ _____
Medical and dental expenses	\$ _____
Insurance (life, health, auto, etc.)	\$ _____
School and child care	\$ _____
Transportation, auto repair, gas	\$ _____
Child / spousal support	\$ _____
Wages withheld by court order	\$ _____
Debt payments paid to: <small>(List)</small>	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Monthly Expenses	→ \$ _____

*The value is the amount the item would sell for less the amount you still owe on it, if anything.

7. Are there debts or other facts explaining your financial situation?

"My debts include: (List debt and amount owed) _____

 _____"

(If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts.") Check here if you attach another page.


8. Declaration

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

- I cannot afford to pay court costs.
- I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.

My name is _____ . My date of birth is : ____ / ____ / ____.

My address is _____
Street City State Zip Code Country

 _____ signed on ____ / ____ / ____ in _____ County, _____
Signature Month/Day/Year county name State

AFFIDAVIT OF SURETY

I, _____, swear that I am worth, in my own right, at least the sum of \$ _____, after deducting from my property all that which is exempt by the Constitution and Laws of the State from forced sale, and after the payment of all my debts, and after satisfying all encumbrances upon my property which are known to me.

I swear that I have property in this State liable to execution worth this amount or more.

I swear that I reside in _____ County.

Do NOT sign until you are in front of a notary or the Clerk of Court



Surety's Signature

Date

Surety's Printed Name

Phone

Mailing Address

City

State

Zip

SWORN TO AND SUBSCRIBED BEFORE ME on *(date)* _____

Notary Stamp Here, If Needed

County Clerk or Notary Public of the State of Texas

AFFIDAVIT OF SURETY

I, _____, swear that I am worth, in my own right, at least the sum of \$ _____, after deducting from my property all that which is exempt by the Constitution and Laws of the State from forced sale, and after the payment of all my debts, and after satisfying all encumbrances upon my property which are known to me.

I swear that I have property in this State liable to execution worth this amount or more.

I swear that I reside in _____ County.

Do NOT sign until you are in front of a notary or the Clerk of Court



Surety's Signature

Date

Surety's Printed Name

Phone

Mailing Address

City

State

Zip

SWORN TO AND SUBSCRIBED BEFORE ME on *(date)* _____

Notary Stamp Here, If Needed

County Clerk or Notary Public of the State of Texas

Instructions: A party may appeal a judgment in an eviction case by filing a cash deposit in the amount set by the court. The cash deposit must be conditioned on the prosecution of the appeal and the payment of any judgment and all costs ordered. Rule 510.9, Texas Rules of Civil Procedure. Within 5 days of filing the appeal bond, the Defendant/Tenant must serve written notice of the appeal on the Plaintiff/Landlord.

Cause Number _____
(Complete the heading so that it looks exactly like the Petition)

Plaintiff/Landlord (Print Full Name) Justice Court (JP) No. _____
v.

Defendant/Tenant (Print Full Name) Travis County, Texas

Tenant's Cash Deposit Bond

1. On (date) _____, a judgment of eviction was issued in this eviction case in favor of the Plaintiff/Landlord and against the Defendant/Tenant.
2. I, the Defendant/Tenant, desire to appeal the judgment to the County Court of Travis County, Texas.
3. I deposit with this court the amount of: \$ _____ that I acknowledge myself bound to pay the Plaintiff/Landlord, _____, plus costs of suit.
(Print Name of Plaintiff/Landlord)

I acknowledge the bond is conditioned that I shall prosecute this case through appeal, and I shall pay off and satisfy any judgment determined on appeal.

4. I understand that within 5 days of turning in this form I must send a copy to the Plaintiff/Landlord by certified mail return receipt requested, by fax, by email or by personal delivery.

Do not sign until you are before a notary public or the Clerk of the Court

▶

Defendant/Tenant's Signature Date _____

Defendant/Tenant's Printed Name () Phone _____

Mailing Address City State Zip
Email Address _____

SWORN TO AND SUBSCRIBED BEFORE ME on:

_____, 20_____
(date) Court Clerk or [Notary Stamp Here if Needed]
Notary Public of the State of Texas

COURT APPROVAL OF TENANT'S CASH DEPOSIT BOND

SIGNED AND APPROVED ON _____, 20_____
(date) by _____
Presiding Judge

Cause Number _____
(Complete the heading so that it looks exactly like the Petition)

Plaintiff/Landlord (Print Full Name)

In the (check one):

VS

Court Number County Court at Law
 Justice Court (JP)

Travis County, Texas

Defendant/Tenant (Print Full Name)

Defendant/Tenant's Answer

1. Defendant/Tenant's Information

My name is _____.
(PRINT your full name.)

I am the Defendant/Tenant in this case.

The last three numbers of my driver's license number are ____ ____ _____. My driver's license was issued in (State) _____.

Or I do not have a driver's license number.

The last three numbers of my social security number are ____ ____ _____.

Or I do not have a social security number.

2. General Denial

I enter a general denial.

I request notice of all hearings in this case.

3. The reasons I should not be evicted are as follows:

(You are not required to list these reasons, but it is helpful if you believe they apply to your case.)

- The landlord did not give me a notice to vacate before filing this eviction case.
- I paid the rent the landlord says I owe.
- I tried to pay the rent the landlord says I owe but the landlord refused to accept it.
- I live in a mobile home or trailer and the landlord of the lot I rent did not give me ten (10) days written notice to pay the rent before filing this eviction case.
- I signed a new lease with the landlord after the date the landlord says I violated my lease.
- The landlord is retaliating against me because I asked for repairs or used other rights I have under the lease or law.
- The reason the landlord filed this eviction case is for something that happened more than two years ago.
- I have a disability, and the landlord refuses to accommodate that disability.

- The landlord is renting me a mobile home or trailer, but not the lot or land that it sits on. I own the lot myself, or I am renting the lot from another person.
- The landlord is discriminating against me based in part on race, color, national origin, religion, sex, disability, familial status.
- The person or entity that filed this eviction case is not the owner or representative of the owner of the property in this case.
- I am a part or full owner in the property in this case.
- Other explanations: _____

4. Request for Judgment

I ask that Plaintiff take nothing from this lawsuit. I ask for costs of court. I ask for such other and further relief, at law or in equity, to which I may be justly entitled.

Respectfully submitted,

▶ _____
Defendant's Signature _____
Date

_____ _____
Defendant's Printed Name *Phone*

_____ _____ _____ _____
Mailing Address *City* *State* *Zip*

Email: _____ *Fax # (if available)* _____

I understand that I must let the Court, the Plaintiff/Landlord's lawyer (or the Plaintiff/Landlord if the Plaintiff/Landlord does not have a lawyer) know in writing if my mailing address or email address changes during this case. If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.

5. Certificate of Service

I certify that a copy of this document was delivered to the Plaintiff/Landlord's lawyer or the Plaintiff/Landlord (if the Plaintiff/Landlord does not have a lawyer) on the same day this document was filed with (turned in to) the Court as follows: *(Check one.)*

- through the electronic file manager if this document is being filed electronically
- by certified mail, return receipt requested
- by fax, to fax # _____
- by personal delivery
- by email to this email address: _____

▶ _____
Defendant/Tenant's Signature _____
Date

Instructions: The County Court can appoint an attorney to represent the tenant on appeal if the tenant was residing in the rental property when an eviction case was filed in Justice Court and if the tenant filed a *Statement of Inability to Afford Payment of Court Cost or an Appeal Bond* to request an appeal. *Texas Government Code, section 25.0020*

Cause Number _____
(Complete the heading so that it looks exactly like the Petition)

Plaintiff/Landlord (Print Full Name) County Court at Law No. _____

v.

Defendant/Tenant (Print Full Name) Travis County, Texas

Tenant's Motion for Appointed Attorney

I am the Defendant/Tenant in this case.

I was in possession of the residence at the time the eviction suit was filed in the Justice Court.

I perfected the appeal by filing a *Statement of Inability to Afford Payment of Court Costs or an Appeal Bond* in this case.

I ask the Court to appoint an attorney to represent me in this eviction case.

▶ _____
Defendant/Tenant's Signature *Date*

_____ *Phone*

_____ *City* *State* *Zip*

_____ *Email Address*

Certificate of Service

By my signature above, I, the Defendant/Tenant, certify that a copy of this document will be delivered to the Plaintiff/Landlord's lawyer or the Plaintiff/Landlord (if the Plaintiff/Landlord does not have a lawyer) on the same day this document is turned in. (Check one.)

- through the electronic file manager (if this document is being filed electronically)
- by certified mail, return receipt requested
- by fax, to fax # _____
- by personal delivery
- by email to this email address: _____