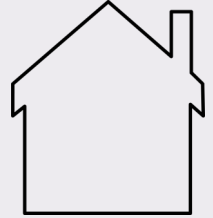


# Eviction Appeal from Justice Court to County Court In Travis County

## 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 Surety 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*").

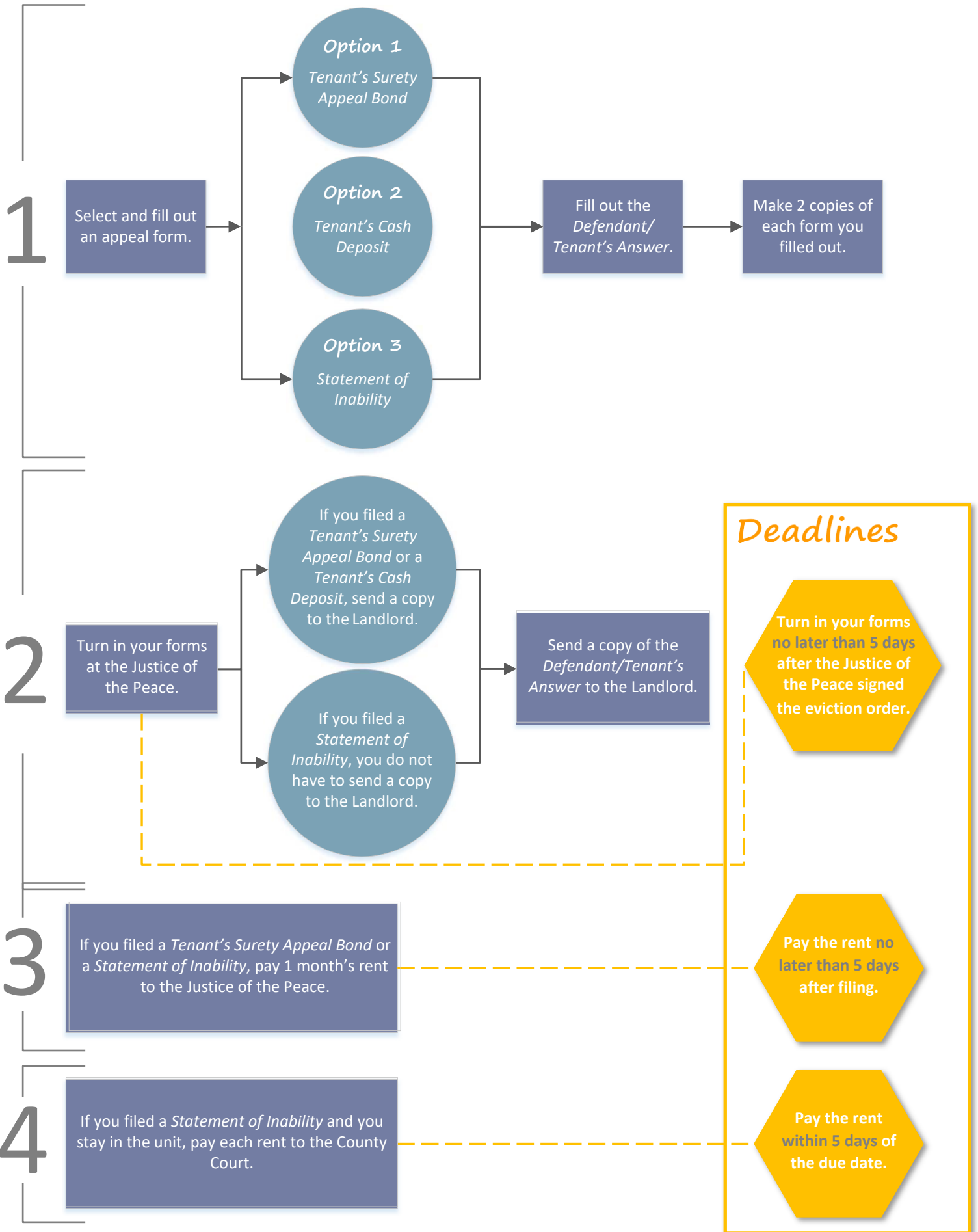
Other forms:

- *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 through Friday from 9 AM to 12 PM - [www.Housing-Rights.org](http://www.Housing-Rights.org). No legal advice can be provided.
- ★ **Free Legal Advice Clinic** twice monthly during the school year. Starts at 6 PM. Check [www.vlsoct.org](http://www.vlsoct.org) to see when the next clinics are and apply online.

# 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 6<sup>th</sup> 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 Surety 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 Surety 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 6<sup>th</sup> 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 Surety 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 through Friday from 9 AM to 12 PM - [www.Housing-Rights.org](http://www.Housing-Rights.org). No legal advice can be provided.
- ★ **Free Legal Advice Clinic** twice monthly during the school year. Starts at 6 PM  
Check [www.vlsoct.org](http://www.vlsoct.org) to see when the next clinics are and apply online.

# How Do I Appeal an Eviction for Nonpayment of Rent When I Want to Stay in the 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 Surety 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 a surety appeal bond or a cash deposit then they would not have been evicted for nonpayment of rent.

### Tenant's Surety Appeal Bond

Many people who are evicted for nonpayment of rent cannot qualify for a surety 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 Surety 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 Surety Appeal Bond*. A *Tenant's Surety 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 a surety appeal bond also cannot afford to deposit the full cash amount of the bond.

If the tenant cannot qualify for a *Tenant's Surety Appeal Bond*, the full cash amount of the surety 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 Surety 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 Surety 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 Surety 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 Surety 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 Surety 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 Surety 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 Surety 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 Surety 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 *Surety Appeal Bond* or a *Statement of Inability*.**

If you turn in a *Tenant's Surety 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 Surety 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 12 PM

[www.Housing-Rights.org](http://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 Surety 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 Surety 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 surety appeal form-- either the *Tenant's Surety Appeal Bond*, *Tenant's Cash Deposit Bond* or *Statement of Inability*).

The County Courts are located on the 7th floor of the Civil and Family Courts Facility at 1700 Guadalupe, Austin, TX.

## 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**  
**AVISO: ESTE DOCUMENTO CONTIENE INFORMACIÓN CONFIDENCIAL**



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

### **Declaración sobre Incapacidad de Pago de Costas de Tribunal o de una Fianza de Apelación**

**Cause Number**  
**Número de Caso**

\_\_\_\_\_

The Clerk's office will fill in the Cause Number when you file this form.

El Secretario del Tribunal anotará el Número de Caso cuando usted presente este formulario.

\_\_\_\_\_  
**v.**  
\_\_\_\_\_

Copy information listed at the top left of the petition here.

Copie aquí la información ubicada en la parte superior izquierda del escrito de la demanda.

Copy information listed at the top right of the petition here.

Copie aquí la información ubicada en la parte superior derecha del escrito de la demanda.

\_\_\_\_\_  
**Court Number**  
**Número del Tribunal**

\_\_\_\_\_, Texas  
**County**  
**Condado**

- District Court  
Tribunal de Distrito
- County Court  
Tribunal del Condado
- County Court at Law  
Tribunal Estatutario
- Justice Court  
Juzgado de Paz
- Probate Court  
Juzgado Sucesorio

## 1. Your Information / Su Información

- My full legal name is / Mi nombre legal completo es

\_\_\_\_\_

First Middle Last / Nombre de Pila Segundo Nombre Apellido

- My date of birth is / Mi fecha de nacimiento es

\_\_\_\_\_

Month Day Year / Mes Día Año

- My address is / Mi dirección es

Home / Domicilio \_\_\_\_\_

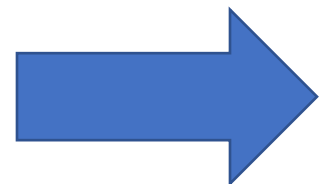
Mailing / Dirección Postal \_\_\_\_\_

- My phone number / Mi número telefónico \_\_\_\_\_

- My email I check often / Mi correo electrónico que reviso con frecuencia

\_\_\_\_\_

Go to next page



Pase a la siguiente página

**2. About My Dependents / Mis Dependientes**

“The people who depend on me financially are listed below.” **Use initials only for children under 18.** If needed, attach a separate piece of paper to list more dependents.

“Las personas a continuación dependen económicamente de mí.” **Use iniciales para los menores de 18 años** y, si es necesario, anexe una hoja por separado para enumerar a todos sus dependientes.

Name Nombre	Age Edad	Relationship to me Parentesco Conmigo

**3. Are you represented by Legal Aid? ¿Está siendo representado por alguna entidad de asistencia legal?**

**Check only one box. Seleccione solo una casilla.**

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.”

Me está representando gratuitamente un abogado que trabaja para una entidad de asistencia legal o que recibió mi caso de una entidad de asistencia legal. El certificado que la entidad de asistencia legal me entregó lo adjunto bajo el título, “Anexo: Certificado de Asistencia Legal.”

or / o

I am not represented by legal aid.

No me está representando ninguna entidad de asistencia legal.



#### 4. Public Benefits / Beneficios de Asistencia Pública

- Do you or any of your dependents receive public benefits?  
*¿Recibe usted o sus dependientes beneficios de asistencia pública?*

Yes / *Sí*  No / *No*

- If you answered yes, check all that apply and attach proof to this form, such as a copy of an eligibility form or check.

Si respondió con un Sí, marque todas las casillas que apliquen y adjunte a este formulario comprobantes, tales como una copia de la carta autorizando que reciba estos beneficios o una copia del cheque que recibe.

- |   |   |
|---|---|
| <input type="checkbox"/> Food stamps/SNAP<br>Cupones de comida/SNAP   | <input type="checkbox"/> TANF   |
| <input type="checkbox"/> Medicaid   | <input type="checkbox"/> CHIP   |
| <input type="checkbox"/> SSI/SSDI   | <input type="checkbox"/> WIC  |
| <input type="checkbox"/> Lifeline   | <input type="checkbox"/> Public Housing or Section 8 Housing<br>Asistencia de Vivienda / Programa de<br>Vivienda bajo Sección 8   |
| <input type="checkbox"/> Low-Income Home Energy<br>Assistance<br>Asistencia con Energía<br>Eléctrica  | <input type="checkbox"/> Community Care via HHS<br>Ayuda Comunitaria bajo HHS   |
| <input type="checkbox"/> LIS in Medicare (“Extra Help”)<br>Subsidio Adicional de Medicare<br>bajo el Programa LIS                                       | <input type="checkbox"/> Needs-based VA Pension<br>Pensión para Veteranos de Guerra en<br>función a necesidades   |
| <input type="checkbox"/> Child Care Assistance under<br>Child Care and Development<br>Block Grant<br>Asistencia con Guardería bajo<br>el Programa CCDBG | <input type="checkbox"/> County Assistance, County Health<br>Care, or General Assistance (GA)<br>Asistencia del Condado, Asistencia<br>Médica del Condado, o Asistencia<br>General (GA) |
| <input type="checkbox"/> Other / Otros beneficios   | <input type="checkbox"/> Other / Otros beneficios   |

\_\_\_\_\_

\_\_\_\_\_



**5. What are your monthly income sources? ¿Cuáles son sus fuentes de ingresos mensuales?**

➤ My **take-home** pay is \$\_\_\_\_\_ in monthly wages.

Mi **pago neto** es \$\_\_\_\_\_ en sueldo mensual.

➤ I work as a \_\_\_\_\_ (your job title) for \_\_\_\_\_ (your employer).

Yo trabajo como \_\_\_\_\_ (título de su puesto) para \_\_\_\_\_ (compañía o jefe).

➤ \$\_\_\_\_\_ is my total **monthly** income / son mis ingresos totales **al mes**.

These are my income sources. Estas son mis fuentes de ingresos.

➤ \$\_\_\_\_\_ in unemployment / en beneficios de desempleo.

I have been unemployed since \_\_\_\_\_ (date).

He estado desempleado desde \_\_\_\_\_ (indique fecha).

➤ \$\_\_\_\_\_ in public benefits / en beneficios de Asistencia Pública.

➤ \$\_\_\_\_\_ from people in my household other than my spouse / de ingresos de otras personas en mi hogar que no son de mi cónyuge.

➤ \$\_\_\_\_\_ from retirement or pension / de jubilación o pensión.

➤ \$\_\_\_\_\_ from tips or bonus / de propinas o bonos.

➤ \$\_\_\_\_\_ from disability / de discapacidad.

➤ \$\_\_\_\_\_ from worker's comp / de compensación al trabajador.

➤ \$\_\_\_\_\_ from social security / de seguro social.



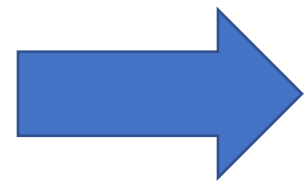
- \$ \_\_\_\_\_ from military housing / de vivienda militar.
- \$ \_\_\_\_\_ from dividends, interest, or royalties / de dividendos, intereses, o regalías.
- \$ \_\_\_\_\_ from child or spousal support / de manutención de menores o manutención conyugal recibida.
- Answer only if your spouse is not your opponent. Responda tan sólo si su ccónyuge no es parte contraria en esta causa legal. \$ \_\_\_\_\_ from my spouse's income / de ingresos de mi cónyuge.
- \$ \_\_\_\_\_ from other jobs/sources of income / de otros trabajos/ fuentes de ingresos.

Describe / describa:

---

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Go to next page



Pase a la siguiente página

**6. What is the value of your assets or property? ¿Cuál es el valor de sus bienes o propiedades?**

My property includes: Mis bienes incluyen:	Value / Valor
	<p>The value is the amount the item would sell for less the amount you still owe on it, if anything.</p> <p>El valor de sus bienes es la cantidad por la que la propiedad o pertenencia se vendería, menos el monto que aún se adeuda, si lo hubiera.</p>
➤ Cash Dinero en efectivo	\$
➤ Bank accounts, other financial assets Cuentas bancarias, otros bienes financieros	
	\$
	\$
	\$
➤ Cars and boats (make and year) Automóviles, lanchas (modelo y año)	
	\$
	\$
	\$
➤ Other property like jewelry, stocks, land, a second house. (Do not list your homestead.) Otros bienes como joyas, acciones, terrenos, una segunda casa. (No indique su hogar familiar.)	
	\$
	\$
	\$
<b>Total Value of Property</b> <b>Valor Total de Sus Bienes</b>	\$



**7. What are your monthly expenses that are not deducted from your paycheck?  
¿Cuáles son sus gastos mensuales que no son descontados de su cheque de sueldo?**

My monthly expenses are: Mis gastos mensuales son:	Amount Cantidad
➤ Rent/house payments; maintenance Alquiler/hipoteca; mantenimiento de casa	\$
➤ Food and household supplies Alimentos y artículos para el hogar	\$
➤ Utilities and telephone Luz, gas, agua y teléfono	\$
➤ Clothing and laundry Ropa y lavado de ropa	\$
➤ Medical and dental expenses Gastos médicos y dentales	\$
➤ Insurance (life, health, auto, etc.) Seguros (de vida, médico, de automóvil etc.)	\$
➤ School and childcare Escuelas y guarderías	\$
➤ Transportation, auto repair, gas Transportación, reparaciones de automóviles, gasolina	\$
➤ Child/Spousal support Manutención a Menores/Manutención Conyugal	\$
➤ Debt payments to (list): Pagos por deudas hechas a (indíquelos):	
	\$
	\$
➤ Wages withheld by court order Sueldo retenido por orden judicial	\$
➤ Other expenses (list): Otros gastos (indíquelos):	
	\$
	\$
<b>Total Monthly Expenses Gastos Totales Mensuales</b>	<b>\$</b>





**8. Are there debts or other facts explaining your financial situation?  
¿Hay deudas u otros factores que expliquen su situación económica?**

My debts include (list debt and amount owed):

Mis duedas incluyen (indique deuda y la cantidad que debe):

	\$
	\$
	\$
	\$
	\$

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."

Si usted desea que el tribunal considere otros factores, tales como gastos médicos excepcionales, emergencias familiares, etc., adjunte al formulario otra hoja con esta información y bajo el título, "Anexo: Información Adicional de Apoyo."

**9. Ability to Pay Court Costs. Declaración sobre su Habilidad de Pagar Costas de Tribunal**

Check only one box. Seleccione tan solo una casilla.

- I cannot afford to pay court costs. No puedo pagar las costas de tribunal.
- I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision, and I cannot afford to pay court costs.

No puedo aportar una fianza de apelación ni pagar un depósito en efectivo para apelar la decisión judicial de un magistrado, y no puedo pagar costas de tribunal.

Go to next page



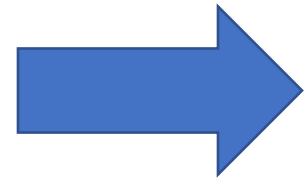
Pase a la siguiente página

**10. Declaration/Affidavit. Declaración Escrita Bajo Juramento.**

Fill out **only one** box. If you fill out the Declaration, you will not need to sign the form in front of a notary public. If you do not want to list your address for privacy or safety concerns, take the form and photo identification, and fill out the Affidavit box in front of a notary public.

Llene tan **solo una** opción. Si usted llena la Declaración, no necesitará firmar el formulario ante un notario. Si usted no quiere que aparezca su domicilio en el documento para conservar su privacidad o por motivos de su seguridad, lleve el formulario y una identificación con fotografía y llene la sección de la Declaración Escrita Bajo Juramento ante un Notario.

Go to next page



Pase a la siguiente página

## Option 1 / Opción 1

**Declaration:** I declare under penalty of perjury that the foregoing is true and correct.

**Declaración:** Yo declaro bajo pena de perjurio que la información a continuación es correcta y verdadera.

➤ My name is / Mi nombre es

---

➤ My date of birth is / Mi fecha de nacimiento es

\_\_\_\_/\_\_\_\_/\_\_\_\_

➤ My address is / Mi domicilio es

---

Street, city, zip, country

Calle y número, ciudad, estado, código postal, país

➤

\_\_\_\_\_  
Signature  
Firma

➤

\_\_\_\_\_  
Date (month, day, year)  
Fecha (mes, día, año)

➤

\_\_\_\_\_  
County, state  
Condado, estado

# Go to next page



# Pase a la siguiente página

## Option 2 / Opción 2

**Affidavit:** I swear under penalty of perjury that the foregoing is true and correct.

**Declaración Escrita Bajo Juramento:** Yo juro bajo pena de perjurio, que lo que precede es correcto y verdadero.

**You fill out this section.**  
**Usted llena esta sección.**

➤ \_\_\_\_\_  
Your printed name  
Su nombre en letra de molde

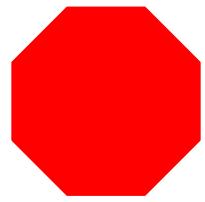
➤ \_\_\_\_\_  
Your signature  
Su firma

**The notary fills out this section.**  
**El Notario llena esta sección.**

➤ \_\_\_\_\_  
Subscribed before me this day of  
Juramentado y suscrito ante mí el día de hoy del mes de

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY  
NOTARIO



Instructions: A party may appeal a judgment in an eviction case by filing a bond in the amount set by the court, supported by sureties, and approved by the judge. The bond must be payable to the named Plaintiff/Landlord and must be conditioned on the prosecution of the appeal and the payment of any judgment and all costs ordered. Within 5 days of filing the appeal bond, the Defendant/Tenant must serve written notice of the appeal on the Plaintiff/Landlord. *Texas Rules of Civil Procedure. Rule 510.9*  
Also, the Defendant/Tenant must deposit 1 month's rent with this court within 5 days of filing this surety appeal bond.

**Cause Number** \_\_\_\_\_  
*(Complete the heading so that it looks exactly like the Petition)*

\_\_\_\_\_  
**Plaintiff/Landlord** *(Print Full Name)* Justice Court (JP)  
No. \_\_\_\_\_

v.

Travis County, Texas

\_\_\_\_\_  
**Defendant/Tenant** *(Print Full Name)*

## Tenant's Surety Appeal Bond

1. On *(date)* \_\_\_\_\_, a judgment of eviction was issued in this case in favor of the Plaintiff/Landlord and against the Defendant/Tenant.
2. The Defendant/Tenant desires to appeal the judgment to the County Court of Travis County, Texas.
3. We, Defendant/Tenant and \_\_\_\_\_ and \_\_\_\_\_,  
*(PRINT name of surety)* *(PRINT name of other surety)*  
sureties, acknowledge ourselves bound to pay the Landlord/Plaintiff in the amount of: \$ \_\_\_\_\_, plus costs of suit. We acknowledge the bond is conditioned that this case shall be prosecuted through appeal, and shall pay off and satisfy any judgment determined on appeal.
4. I, the Defendant/Tenant, understand that within 5 days of turning in this form I must send a copy to the Plaintiff/Landlord. I must send the copy by certified mail, return receipt requested; by fax; by email; or by personal delivery.

▶ \_\_\_\_\_  
*Defendant/Tenant's Signature* *Date*

\_\_\_\_\_  
*Defendant/Tenant's Printed Name* *Phone*

\_\_\_\_\_  
*Mailing Address* *City* *State* *Zip*

*Sureties must sign below and on affidavit (next page).*

▶ \_\_\_\_\_  
*Surety's Signature* *Surety's Signature*

\_\_\_\_\_  
*Surety's Printed Name* *Surety's Printed Name*

\_\_\_\_\_  
*Date* *Date*

### COURT APPROVAL OF TENANT'S SURETY APPEAL BOND

SIGNED AND APPROVED ON \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_  
*(date)* **Presiding Judge**

**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

\_\_\_\_\_  
Court 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

\_\_\_\_\_  
Court 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 \_\_\_\_\_ by \_\_\_\_\_  
(date) 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

\_\_\_\_\_ \_\_\_\_\_  
Defendant/Tenant's Printed Name Phone

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
Mailing Address 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: \_\_\_\_\_