

**TEXAS JUSTICE COURT**  
★  
**TRAINING CENTER**

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**STUDY GUIDE SAMPLE  
QUESTIONS  
with  
ANSWERS**

**FOR**

**CIVIL PROCESS  
PROFICIENCY EXAM  
FY2020**

*Disclaimer: These are "sample" questions only and will not be on the exam.*

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Please find the full names for abbreviated citations used throughout this guide below:

TPC – Texas Property Code

TCPRC – Texas Civil Practice and Remedies Code

TRCP – Texas Rules of Civil Procedure

TFC – Texas Family Code

TEC – Texas Education Code

Texas Statutes & Codes may be found online at: <https://statutes.capitol.texas.gov/>

Texas Rules & Forms may be found online at: <https://www.txcourts.gov/rules-forms/rules-standards/>

TJCTC Resources, Deskbooks, and other guides can be found at: <https://www.tjctc.org/> under the “resources” tab.

1. A citation to a Political Subdivision may be served to whom? (TCPRC 17.024)
  - a. President of the School Board
  - b. Mayor
  - c. County Judge
  - d. All of the above**
  
2. If an officer fails or refuses to levy on or sell property subject to execution and the levy or sale could have taken place, the officer and his sureties are liable to the party entitled for actual damages suffered? (TCPRC 7.001)
  - a. True**
  - b. False
  
3. If an officer fails or refuses to deliver money collected under an execution when demanded by the person entitled to receive the money, the officer and his sureties are liable to the person for the amount collected and damages at a rate of \_\_\_\_\_% per month if proven by injured party? (TCPRC 34.067)
  - a. 10
  - b. 20
  - c. 1**
  - d. 25
  
4. The officer attaching personal property shall retain possession until judgment unless the property is? (TRCP 592-606)
  - a. Replevied
  - b. Sold as provided by law.
  - c. Claimed by third party who posts a bond and tries his right to the property.
  - d. All the above**

5. A defendant means a person or governmental entity against whom a plaintiff commences or maintains or seeks to commence or maintain litigation. (TRCP 500.9, TCPRC 41.001)
- True**
  - False
6. \_\_\_\_\_ has jurisdiction in eviction suits. (TPC 24.004)
- Federal Court
  - County Court
  - Justice Court in the precinct where the property is located**
  - Probate Court
7. A plaintiff means an individual who commences or maintains a litigation. (TCPRC 11.001)
- True**
  - False
8. In a county suit, a witness is entitled to \$\_\_\_\_\_dollars for each day the witness attends court. (TCPRC 22.001)
- 40
  - 20
  - 10**
  - none of the above
9. An application for the Writ of Mandamus must be filed before the later of:\_\_\_\_\_th day before the date the trial starts; or the\_\_\_\_\_th day after the date the party receives notice of the trial setting. (TCPRC 15.0642)
- 90/10**
  - 60/30
  - 7/10
  - none of the above
10. A \_\_\_\_\_ is privileged from arrest while attending, going to and returning from court. (TCPRC 22.011)
- plaintiff
  - witness**
  - defendant
  - none of the above
11. A Writ of \_\_\_\_\_ commands a peace officer to take the body of a witness and bring before such court on a day named forthwith. (TCCP 24.11)
- Sequestration
  - Possession
  - Attachment**
  - None of the above

12. What steps shall an officer follow when distributing proceeds from a sale (execution)? (TCPRC 34.047)
- Officer shall deliver money collected to the entitled party at the earliest opportunity.
  - After judgment and cost paid – excess shall be immediately paid to the defendant or his agent or attorney.
  - Officer entitled to retain reasonable expenses incurred in making levy and keeping property.
  - all the above**
13. An eviction citation may be delivered to the defendant or some person over what age at his usual place of abode. (TRCP 510.4)
- 16**
  - 21
  - 15
  - 12
14. A Writ of Possession is executed when the officer delivers possession of the premises to \_\_\_\_\_. (TPC 24.0061)
- The Code Enforcement Officer
  - The Landlord**
  - The Elected Official
  - The moving and storage company
15. Who may issue a Writ of Attachment? (TCPRC 61.021)
- The Governor
  - The Sheriff or Constable
  - Only Competent judges
  - The judge or clerk of a District, County Court, or Justice of the Peace.**
16. On a Writ of Garnishment, the defendant may replevy the garnished property by giving a bond \_\_\_\_\_. (TRCP 664)
- Within 10 days
  - Before any hearing
  - Never
  - Any time before judgment.**
17. The application of a Writ of Sequestration must contain \_\_\_\_\_ under oath. (TCPRC 62.022)
- Specific facts stating the nature of the claim
  - The amount in controversy (if any)
  - The facts justifying issuance of the Writ
  - All of the above**

18. Is service of notice of an application for a protective order required before the issuance of a temporary ex parte order? (TFC 82.043)
- a. Yes
  - b. No**
19. Upon receipt of original or modified protective order, a law enforcement agency shall immediately, but not later than the \_\_\_\_\_ business day after the order is received, enter the information into the statewide law enforcement information system maintained by DPS. (TFC 86.0011)
- a. 3rd**
  - b. 30th
  - c. 60th
  - d. none of the above
20. A temporary ex parte order is valid for the period specified in the order, not to exceed \_\_\_\_\_ day(s), and may be extended for additional \_\_\_\_\_ day periods. (TFC 83.002)
- a. 10/20
  - b. 20/20**
  - c. 60/90
  - d. none of the above
21. Unless otherwise provided for in Chapter 85 of the Family Code, the duration of a protective order may not exceed \_\_\_\_\_ year(s). (TFC 85.025)
- a. 2**
  - b. 4
  - c. 6
  - d. 10
22. When serving a Temporary Ex Parte Protective Order with a “Vacate Order”, the officer \_\_\_\_\_. (TFC 86.003).
- a. informs the respondent of the exclusion from the residence**
  - b. removes the respondent if the they refuse to vacate
  - c. may attach the notice to the front door of the residence
  - d. all of the above
23. All Writs must be styled: (TRCP 15)
- a. By the Honorable Judge
  - b. The State of Texas**
  - c. By the Power of the Court
  - d. Issued by my command and signed by the judge

24. If a person (respondent) refuses to leave after being ordered to do so in a final protective order, the officer shall \_\_\_\_\_ with the protective order on the spot. (TFC 86.004)
- inform the respondent that the court has ordered they be excluded from the residence
  - remove and arrest the respondent if the respondent fails to comply**
  - immediately report non-compliance to the court
  - both a & c are correct
25. An individual may register a foreign protective order in this state and shall present a certified copy to whom? (TFC 88.005)
- Sheriff
  - Constable
  - Chief of Police
  - all of the above**
26. What court has jurisdiction to issue a writ of possession? (TPC 24.004 and TRCP 510)
- Federal Court
  - County Court
  - Justice Court in the precinct where the property is located**
  - all of the above
27. A writ of possession shall order the officer executing the writ to post a written notice to the exterior of the front door which must be at least. (TPC 24.0061)
- 10 X 12 inches
  - 10 X10 inches
  - 12 X12 inches
  - 8 ½ X 11 inches**
28. A landlord may not remove doors, windows, locks, latches, doorknobs, furniture, fixtures or appliances furnished by the landlord unless they are removed for a bonafide repair or replacement. (TPC 92.0081)
- True**
  - False
29. An Execution for Delivery of Certain Property (sometimes called a Writ of Possession) shall require the officer to deliver the possession of the property to the person entitled to the property. (TRCP 632)
- True**
  - False

30. A Writ of Possession may not be issued before the \_\_\_\_\_ day after the date on which the judgment for possession is rendered unless a possession bond has been filed and approved under the TRCP and judgment for possession is thereafter granted by default. (TPC 24.0061; TRCP 510.5, 510.8(d))

- a. 5<sup>th</sup>
- b. 6<sup>th</sup>**
- c. 10<sup>th</sup>
- d. 20<sup>th</sup>

31. Are college savings plans exempt from attachment, execution, and seizure for the satisfaction of debts? (TPC 42.0021, TEC 54.634)

- a. Yes**
- b. No

32. When you receive a Bankruptcy notice regarding a Writ of Possession, you should (11 U.S.C. § 362)

- a. Go ahead and execute the writ
- b. Stop all actions concerning the writ and confirm the Bankruptcy and status of the case in justice court**
- c. Call the Federal Bankruptcy Judge and complain
- d. Tell the plaintiff to call the Federal Bankruptcy Judge and complain

33. Prior to filing an eviction suit, a landlord must give a tenant at least \_\_\_\_\_ days written notice to vacate unless the parties have contracted for a shorter or longer period in a written lease or agreement. (TPC 24.005)

- a. 3**
- b. 10
- c. 15
- d. 30

34. In a tax foreclosure sale or a trustee's foreclosure sale, the purchaser must give a residential tenant at least \_\_\_\_\_ days written notice to vacate. (TPC 24.005)

- a. 30**
- b. 60
- c. 90
- d. 120

35. A Constable or his Deputy may use \_\_\_\_\_ when executing a Writ of Possession. (TPC 24.0061)

- a. All money found in the rental unit
- b. Reasonable Force**
- c. A staple gun to post the notice
- d. None of the above



36. Homestead definition shall consist of not more than \_\_\_\_\_ acres for an urban family home and \_\_\_\_\_ acres in a rural family home. (TPC 41.002)
- a. 5/100
  - b. 10/100
  - c. 10/200**
  - d. none of the above
37. Personal property is exempt from garnishment, attachment, execution, or other seizure if the property is provided for a family, and has an aggregate fair market value of not more than \_\_\_\_\_ dollars, single adult who is not a member of a family and has an aggregate fair market value of not more than \_\_\_\_\_ dollars exclusive of the amount of any liens, security interests, or other charges encumbering the property. (TPC 42.001)
- a. 50,000/20,000
  - b. 60,000/30,000
  - c. 20,000/10,000
  - d. 100,000/50,000**
38. If it begins to rain when a Constable is in process of executing a Writ of Possession, what should the officer do? (TPC 24.0061)
- a. Hurry the eviction and finish as soon as possible.
  - b. Immediately stop the eviction and do not continue until it stops raining.**
  - c. Continue the eviction BUT have the movers place all the personal property into a rented storage unit.
  - d. Wait 24 hours and resume the eviction regardless of weather.
39. The person to whom rent is payable under a building lease or the person's agent, attorney, assign, or other legal representative may apply to the justice of the peace in the precinct in which the building is located for a distress warrant if the tenant? (TPC 54.025)
- a. owes rent
  - b. is about to abandon the building
  - c. is about to remove the tenant's property from the building
  - d. all of the above**
40. If a landlord has exercised a lockout on a residential property, a written notice must be posted on the front door informing the tenant that a key may be obtained \_\_\_\_\_ (TPC 92.0081)
- a. between the hours of 8:00 am and 5:00pm
  - b. after the rent has been paid
  - c. at midnight
  - d. at any hour**

41. On service of Citation by Publication, the citation must be published once each week for \_\_\_\_\_ weeks, the first publication to be at least \_\_\_\_\_ days before return of citation. (TRCP 116)

- a. 10/30
- b. 4/28**
- c. 20/60
- d. none of the above

42. If a plaintiff files for a possession bond and is granted by the justice court, and the defendant files a counter bond and it is approved by the court, no writ of possession may issue before the 6<sup>th</sup> day after the date a judgment for possession is signed or the day following the deadline to appeal to judgment, whichever is first.. (TRCP 510.5)

- a. True**
- b. False

43. All Writs are directed to: (TRCP 15)

- a. any person
- b. only private process servers
- c. bailiff
- d. any Sheriff or Constable within the State of Texas**

44. What four (4) dates and times must be included in the officer's return after executing a Writ of Possession? (TPC 24.0061)

- a. Date and time of filing; date and time of issuance; date and time received; and date and time returned to court
- b. Date and time of issuance; date and time received; date and time of posting final warning; and date and time executed
- c. Date and time received; date and time of posting final warning; date and time noted on the final warning that the writ would be executed; and the date and time of actual execution of the writ**
- d. Date and time received; date and time of posting final warning; date and time executed; and date and time returned to court

45. What is a Restraining Order? (TCPRP Chapter 65, TRCP 683)

- a. A order to hold a person in custody
- b. an order granting an injunction**
- c. a written order of the court awarding a party money damages
- d. None of the above

46. Habeas Corpus translates from Latin to mean: (Black's Law)

- a. bring the body
- b. deliver the body
- c. there is no body
- d. you have the body**

47. What parties are involved when a Writ of Garnishment is issued?  
(TCP RC 63.001)

- a. clerks, judge and defendant
- b. judge, bailiff and plaintiff
- c. Plaintiff (garnishor), defendant, and a garnishee**
- d. plaintiff and defendant

48. \_\_\_\_\_ A Writ of Certiorari shall  
not be granted after \_\_\_\_\_ days from the time the final  
judgment is signed. (TRCP 506.4)

- a. 30
- b. 60
- c. 90**
- d. 120

49. An officer executing a Writ of Attachment shall return the writ to the court from  
which is issued, at or before \_\_\_\_\_ a.m. of the Monday next after the expiration  
of \_\_\_ days from the date of issuance of the writ. (TRCP 606)

- a. 10:00 am/15 days**
- b. 12:00 pm/10 days
- c. 5:00 pm/7 days
- d. none of the above

50. The officer must always give the defendant \_\_\_\_\_ to point out his property under  
Writ of Execution. (TRCP 637)

- a. 72 hours
- b. 24 hours
- c. a Turn-Over Order
- d. an opportunity**

51. A Writ of Sequestration may be issued: (TCP RC 62.002)

- a. Only within ten days of the beginning of a suit
- b. After final judgment
- c. Only when payments are past due
- d. At the initiation of a suit or at any time before final judgment**

52. Writs of Execution can be issued for \_\_\_\_\_ as directed by the plaintiff or his  
attorney. (TRCP 629)

- a. 10,20,30 days
- b. 20,40,60 days
- c. 30,60,90 days**
- d. However long it takes

53. The death of a \_\_\_\_\_ after a Writ of Execution is issued, stays the execution proceedings. (TCP RC 34.003)

- a. plaintiff
- b. defendant**
- c. officer
- d. defendant's attorney

54. Current wages are not subject to garnishment unless otherwise provided by state or federal law? (TCP RC 63.004)

- a. True**
- b. False

55. If surplus proceeds from an Execution sale are received and the defendant cannot be found or located, his \_\_\_\_\_ may be given the proceeds. (TCP RC 34.047)

- a. relative
- b. spouse
- c. executor
- d. attorney or agent**