

# Supreme Court of Texas

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Misc. Docket No. 21-9152

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**Preliminary Approval of Amendments to Texas Rules of Civil Procedure 306a, 503, 505, 508, 509, 510, 663a, and 664a; of Texas Rules of Civil Procedure 679a and 679b; and of a Form Seizure Exemption Notice, Instructions for Seizure Exemption Claim Form, Seizure Exemption Claim Form, and Order Appointing Receiver**

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**ORDERED** that:

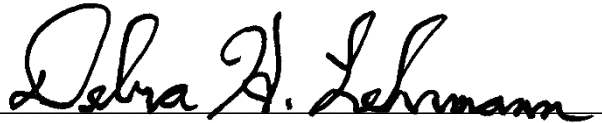
1. In accordance with the Act of May 31, 2021, 87th Leg., R.S., ch. 934 (HB 3774, codified at Tex. Gov't Code § 22.0042), the Court preliminarily amends Texas Rules of Civil Procedure 306a, 503, 505, 508, 509, 510, 663a, and 664a and adopts Texas Rules of Civil Procedure 679a and 679b as set forth in this Order. The amendments and new rules are effective May 1, 2022.
2. The amendments to Rules 306a, 503, 505, 508, 509, 510, 663a, and 664a are demonstrated in redline form. New Rules 679a and 679b are demonstrated in clean form.
3. The Court also approves the attached form Seizure Exemption Notice, Instructions for Seizure Exemption Claim Form, Seizure Exemption Claim Form, and Order Appointing Receiver, effective May 1, 2022. The Court will translate the form Seizure Exemption Notice, Instructions for Seizure Exemption Claim Form, and Seizure Exemption Claim Form at a later date.
4. The Court may change the amendments, new rules, and forms before May 1, 2022, in response to public comments. Comments should be sent to [rulescomments@txcourts.gov](mailto:rulescomments@txcourts.gov). The Court requests that comments be sent by March 4, 2022.
5. The Clerk is directed to:
  - a. file a copy of this Order with the Secretary of State;

- b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
- c. send a copy of this Order to each elected member of the Legislature; and
- d. submit a copy of this Order for publication in the *Texas Register*.

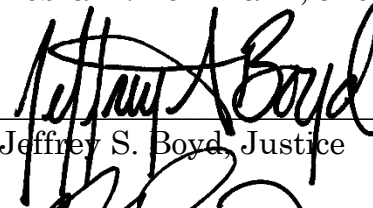
Dated: December 7, 2021.



Nathan L. Hecht, Chief Justice



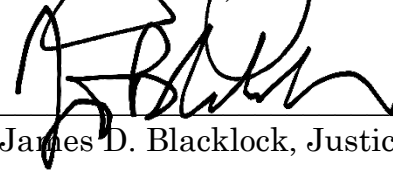
Debra H. Lehrmann, Justice



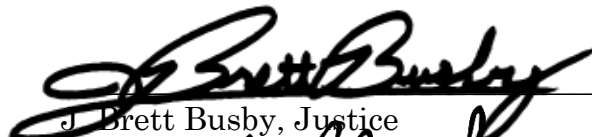
Jeffrey S. Boyd, Justice



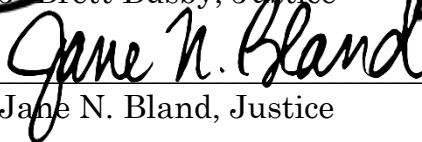
John P. Devine, Justice



James D. Blacklock, Justice



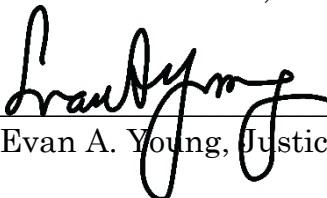
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

## PART II. RULES OF PRACTICE IN DISTRICT AND COUNTY COURTS

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### SECTION 11. TRIAL OF CAUSES

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#### H. Judgments

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#### RULE 306a. PERIODS TO RUN FROM SIGNING OF JUDGMENT

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3. **Notice of Judgment.** When the final judgment or other appealable order is signed, the clerk of the court shall immediately give notice to the parties or their attorneys of record electronically or by first-class mail advising that the judgment or order was signed. If the judgment awards monetary damages, the notice must contain the following language: “If you are an individual (not a company), you may have a right to claim exemptions to protect your property against seizure for satisfaction of this judgment. Find out more by visiting [www.TexasLawHelp.org](http://www.TexasLawHelp.org).” Failure to comply with the provisions of this rule shall not affect the periods mentioned in paragraph (1) of this rule, except as provided in paragraph (4).

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## PART V. RULES OF PRACTICE IN JUSTICE COURTS

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#### RULE 503. DEFAULT JUDGMENT; PRE-TRIAL MATTERS; TRIAL

##### RULE 503.1. IF DEFENDANT FAILS TO ANSWER

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- (d) *Notice.* The plaintiff requesting a default judgment must provide to the clerk in writing the last known mailing address of the defendant at or before the time the judgment is signed. When a default judgment is signed, the clerk must immediately mail written notice of the judgment to the defendant at the address provided by the plaintiff, and note the fact of such mailing on the docket. The notice must state the number and style of the case, the court in which the case is pending, the names of the parties in whose favor and against whom the judgment was rendered, and the date the judgment was signed. If the default judgment awards monetary damages, the judgment must contain the following language: “If you are an individual (not a company), you may have a right to claim exemptions to protect your property against seizure for satisfaction of this judgment. Find out more by visiting [www.TexasLawHelp.org](http://www.TexasLawHelp.org).” Failure to comply with the provisions of this rule does not affect the finality of the judgment.

## **RULE 503.2. SUMMARY DISPOSITION**

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- (d) *Order.* The judge may enter judgment as to the entire case or may specify the facts that are established and direct such further proceedings in the case as are just. A judgment must comply with the requirements of Rule 505.1.

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## **RULE 505. JUDGMENT; NEW TRIAL**

### **RULE 505.1. JUDGMENT**

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- (c) *Form.* A judgment must:
- (1) clearly state the determination of the rights of the parties in the case;
  - (2) state who must pay the costs;
  - (3) be signed by the judge; ~~and~~
  - (4) be dated the date of the judge’s signature; ~~and~~ and

(5) if it awards monetary damages, contain the following language: “If you are an individual (not a company), you may have a right to claim exemptions to protect your property against seizure for satisfaction of this judgment. Find out more by visiting [www.TexasLawHelp.org](http://www.TexasLawHelp.org).”

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## **RULE 508. DEBT CLAIM CASES**

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### **RULE 508.3. DEFAULT JUDGMENT**

- (a) *Generally.* If the defendant does not file an answer to a claim by the answer date or otherwise appear in the case, the judge must promptly render a default judgment upon the plaintiff’s proof of the amount of damages. Notice of a default judgment, as required by Rule 503.1(d), must be sent to the defendant.

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## **RULE 509. REPAIR AND REMEDY CASES**

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### **RULE 509.6. JUDGMENT: AMOUNT; FORM AND CONTENT; ISSUANCE AND SERVICE; FAILURE TO COMPLY**

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- (b) *Form and Content.*

- (1) The judgment must be in writing, signed, and dated and must include the names of the parties to the proceeding and the street address of the residential rental property where the condition is to be repaired or remedied.
- (2) In the judgment, the judge may:
  - (A) order the landlord to take reasonable action to repair or remedy the condition;

- (B) order a reduction in the tenant's rent, from the date of the first repair notice, in proportion to the reduced rental value resulting from the condition until the condition is repaired or remedied;
  - (C) award a civil penalty of one month's rent plus \$500;
  - (D) award the tenant's actual damages; and
  - (E) award court costs and attorney's fees, excluding any attorney's fees for a claim for damages relating to a personal injury.
- (3) If the judge orders the landlord to repair or remedy a condition, the judgment must include in reasonable detail the actions the landlord must take to repair or remedy the condition and the date when the repair or remedy must be completed.
- (4) If the judge orders a reduction in the tenant's rent, the judgment must state:
- (A) the amount of the rent the tenant must pay, if any;
  - (B) the frequency with which the tenant must pay the rent;
  - (C) the condition justifying the reduction of rent;
  - (D) the effective date of the order reducing rent;
  - (E) that the order reducing rent will terminate on the date the condition is repaired or remedied; and
  - (F) that on the day the condition is repaired or remedied, the landlord must give the tenant written notice, served in accordance with Rule 501.4, that the condition justifying the reduction of rent has been repaired or remedied and the rent will revert to the rent amount specified in the lease.
- (5) If the judge awards monetary damages, the judgment must contain the following language: "If you are an individual (not a company), you may have a right to claim exemptions to protect your property against seizure for satisfaction of this judgment. Find out more by visiting [www.TexasLawHelp.org](http://www.TexasLawHelp.org)."

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## RULE 510. EVICTION CASES

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### RULE 510.6. TRIAL DATE; ANSWER; DEFAULT JUDGMENT

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- (b) *Default Judgment.* If the defendant fails to appear at trial and fails to file an answer before the case is called for trial, and proof of service has been filed in accordance with Rule 510.4, the allegations of the complaint must be taken as admitted and judgment by default rendered accordingly. If a defendant who has answered fails to appear for trial, the court may proceed to hear evidence and render judgment accordingly. Notice of a default judgment, as required by Rule 503.1(d), must be sent to the defendant.

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### RULE 510.8. JUDGMENT; WRIT; NO NEW TRIAL

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- (b) *Judgment for Plaintiff.* If the judgment is in favor of the plaintiff, the judge must render judgment for plaintiff for possession of the premises, costs, delinquent rent as of the date of entry of judgment, if any, and attorney fees if recoverable by law. If the judgment awards monetary damages, the judgment must contain the following language: “If you are an individual (not a company), you may have a right to claim exemptions to protect your property against seizure for satisfaction of this judgment. Find out more by visiting [www.TexasLawHelp.org](http://www.TexasLawHelp.org).”

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## PART VI. RULES RELATING TO ANCILLARY PROCEEDINGS

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### SECTION 4. GARNISHMENT

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### RULE 663a. SERVICE OF WRIT AND OTHER DOCUMENTS ON DEFENDANT

The plaintiff must serve the defendant ~~shall be served in any manner prescribed for service of citation or~~ as provided in Rule 21a or Rule 501.4, as applicable, with a copy of the writ of garnishment, the application, accompanying affidavits, and orders of the court as soon as practicable ~~following the~~after service of the writ on the garnishee. ~~There shall be prominently displayed on the~~The face of ~~the copy of~~ the writ served on the defendant, must display in at least ~~ten~~twelve-point type and in a manner calculated to advise a reasonably attentive person of its contents, the following notice:

“To \_\_\_\_\_ , Defendant:

~~You are hereby notified that certain properties alleged to be owned by you have been garnished. If you claim any rights in such property, you are advised:~~ YOUR MONEY OR PROPERTY HAS BEEN FROZEN OR SEIZED (“GARNISHED”).  
\_\_\_\_\_ (“GARNISHOR”) HAS FILED A GARNISHMENT PROCEEDING. THAT MEANS GARNISHOR IS TRYING TO GET YOUR MONEY OR PROPERTY FROM \_\_\_\_\_ (“GARNISHEE”), THE ENTITY OR PERSON WHO HOLDS IT, TO PAY A DEBT YOU OWE.

IF YOU ARE AN INDIVIDUAL (NOT A COMPANY), YOUR MONEY OR PROPERTY MAY BE PROTECTED (“EXEMPT”) FROM GARNISHMENT UNDER FEDERAL OR STATE LAW. UNDER TEXAS RULE OF CIVIL PROCEDURE 679b, THE GARNISHOR MUST SEND YOU A “SEIZURE EXEMPTION NOTICE,” APPROVED BY THE SUPREME COURT. READ THAT NOTICE CAREFULLY FOR MORE INFORMATION ABOUT HOW TO GET EXEMPT MONEY OR PROPERTY BACK.

~~“YOU HAVE A RIGHT TO REGAIN POSSESSION OF THE PROPERTY BY FILING A REPLEVY BOND. YOU HAVE A RIGHT TO SEEK TO REGAIN POSSESSION OF THE ONE WAY YOU CAN ASK THE COURT TO GET YOUR FUNDS OR PROPERTY BACK IS BY~~ TURNING IN (“FILING”) THE “SEIZURE EXEMPTION CLAIM FORM” THAT WILL BE SENT WITH THE SEIZURE EXEMPTION NOTICE.

YOU MAY ALSO FILE A MOTION WITH THE COURT ~~A MOTION~~ TO DISSOLVE OR MODIFY THIS WRIT OF GARNISHMENT ON THE GROUNDS THAT YOUR MONEY OR PROPERTY IS EXEMPT FROM GARNISHMENT OR FOR OTHER GROUNDS.”

YOU CAN GET YOUR MONEY BACK WITHOUT A DECISION BY THE COURT IF YOU FILE A “REPLEVY BOND,” WHICH IS CASH OR OTHER SECURITY IN AN AMOUNT SET BY THE COURT.

YOU CAN FIND OUT MORE ABOUT EXEMPTIONS AND THE GARNISHMENT PROCESS BY VISITING [WWW.TEXASLAWHELP.ORG](http://WWW.TEXASLAWHELP.ORG). YOU ARE



ENCOURAGED TO GET A LAWYER TO HELP YOU. FOR INFORMATION ON FREE AND LOW-COST LEGAL SERVICES, VISIT WWW.TXCOURTS.GOV/PROGRAMS-SERVICES/LEGAL-AID OR CALL THE LEGAL AID OFFICE THAT SERVES YOUR AREA: TEXAS RIOGRANDE LEGAL AID AT (800) 369-0574, LONE STAR LEGAL AID AT (800) 733-8394, AND LEGAL AID OF NORTHWEST TEXAS AT (800) 955-3959. YOU CAN ALSO CALL THE STATE BAR OF TEXAS AT (800) 252-9690.”

Comment to 2022 change: Rule 663a is amended to implement section 22.0042 of Texas Government Code and to conform with new Rule 679b. A plaintiff serving a writ of garnishment on the defendant under this rule must also serve the defendant with the Seizure Exemption Notice, the Instructions for Seizure Exemption Claim Form, and the Seizure Exemption Claim Form adopted by the Supreme Court, as required by new Rule 679b. Other clarifying and stylistic changes have been made.

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#### **RULE 664a. DISSOLUTION OR MODIFICATION OF WRIT OF GARNISHMENT**

A defendant whose property or account has been garnished or any intervening party who claims an interest in such property or account, may ~~by sworn written motion, seekfile a motion~~ to ~~vacate~~, dissolve or modify the writ of garnishment, ~~and~~ the order directing its issuance, ~~or both~~ for any grounds or cause, extrinsic or intrinsic. ~~Such~~The motion ~~shall~~must be sworn and must admit or deny each finding ~~of the stated in the~~ order directing the issuance of the writ, ~~except where~~If the movant is unable to admit or deny ~~the~~ finding, ~~in which case~~the movant ~~shall set forth~~must state the reasons why the movant cannot admit or deny. If the movant seeks to dissolve or modify the writ or order based on personal property exemptions, the court must follow the procedures provided by Rule 679b.

~~Unless the parties agree to an extension of time, the~~A motion to dissolve or modify based on other grounds shall be heard promptly, after reasonable notice to the plaintiff (which may be less than three days), and ~~the issue shall~~must be determined ~~not later than~~within ten days after the motion is filed, ~~unless extended for good cause shown~~. The filing of the motion ~~shall~~stays any further proceedings under the writ, except for any orders concerning the care, preservation, or sale of any perishable property, until a hearing is had, and the issue is determined. The writ ~~shall~~must be dissolved unless, at such hearing, the plaintiff ~~shall~~proves the statutory grounds relied upon for ~~it~~the writ's issuance, but the court may modify its previous order granting the writ and the writ ~~issued pursuant thereto~~. The movant ~~shall~~, however, ~~have~~es the burden to prove that the reasonable value of the property garnished exceeds the amount necessary to secure the debt, interest for one year, and probable

costs. ~~He shall~~The movant also ~~have~~has the burden to prove facts to justify substitution of property.

The court's determination may be made upon the basis of ~~affidavits~~sworn statements, if ~~uncontroverted~~not challenged, setting forth such facts as would be admissible in evidence; otherwise, the parties ~~shall~~must submit evidence. The court may make all such orders, including orders concerning the care, preservation, ~~or~~disposition, release, or substitution of ~~the~~ property (or ~~theirs~~ proceeds ~~therefrom~~ if the ~~same~~property has been sold), as justice may require. If the movant has given a replevy bond, an order to ~~vacate or~~ dissolve the writ ~~shall~~must vacate the replevy bond and discharge the sureties thereon, ~~and if~~ the court modifies its order or the writ ~~issued pursuant thereto~~, it ~~shall~~must make such further orders with respect to the bond as may be consistent with its modification.

Comment to 2022 change: Rule 664a is amended to implement section 22.0042 of Texas Government Code and to conform with new Rule 679b. Other clarifying and stylistic changes have been made.

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## PART VI. RULES RELATING TO ANCILLARY PROCEEDINGS

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### SECTION 4a. ADDITIONAL POST-JUDGMENT COLLECTION RULES

#### RULE 679a. TURNOVER UNDER CIVIL PRACTICE AND REMEDIES CODE § 31.002

- (a) *Order Appointing Turnover Receiver in Justice Courts.* If a justice of the peace issues an order appointing a receiver under section 31.002 of the Civil Practice and Remedies Code to collect a judgment owed by an individual judgment debtor, the justice of the peace must use the Order Appointing Receiver approved by the Supreme Court.
- (b) *Order Appointing Turnover Receiver in Other Courts.* A district court, constitutional county court, or statutory county court that issues an order appointing a receiver under section 31.002 of the Civil Practice and Remedies Code to collect a judgment owed by an individual judgment debtor may use the Order Appointing Receiver approved by the Supreme Court and must include the following language in any other order appointing a receiver:

**“Personal Property Exemptions of Judgment Debtor:**  
Receiver must comply with Texas Rule of Civil Procedure 679b.

**Receiver to Hold Property:** Receiver must not disburse funds to Judgment Creditor or sell property within 14 days after serving Judgment Debtor with the Seizure Exemption Notice, the Instructions for Seizure Exemption Claim Form, and the Seizure Exemption Claim Form adopted by the Supreme Court, or within 17 days if service was by mail. If the Judgment Debtor asserts an exemption, Receiver may only disburse funds to Judgment Creditor or sell property with Judgment Debtor’s written consent or a court order.”

**RULE 679b. PERSONAL PROPERTY EXEMPTIONS IN POST-JUDGMENT PROCEEDINGS**

(a) *Exemption Notice.*

- (1) *Notice Required.* When a post-judgment turnover order, order appointing a receiver under section 31.002 of the Civil Practice and Remedies Code, writ of garnishment, writ of execution, or other post-judgment order is issued, the receiver or judgment creditor must serve the judgment debtor with the Seizure Exemption Notice, the Instructions for Seizure Exemption Claim Form, and the Seizure Exemption Claim Form adopted by the Supreme Court. Before service, the receiver or judgment creditor must list in the Seizure Exemption Claim Form the “Interested Persons to Notify.”
- (2) *Service Timing.* The receiver or judgment creditor must serve the documents in (1) within three business days after the receiver or judgment creditor has notice that the property has been seized.
- (3) *Service Method.* The documents in (1) must be served as provided in Rule 21a or Rule 501.4, as applicable.

(b) *Suspension Period.*

- (1) *General Rule.* A receiver or officer must not sell the judgment debtor’s personal property or distribute proceeds to the judgment creditor within 14 days after service of the documents in (a)(1), or within 17 days if service was by mail.
- (2) *No Effect on Noticing Sale.* Nothing in this rule prohibits a receiver or officer from noticing the sale of the judgment debtor’s personal property during the suspension period if the sale date is after the suspension period’s expiration.

- (c) *Effect of Filing Seizure Exemption Claim; Hearing; Exemption Determination.*
- (1) *Hearing and Suspension Required.* If a judgment debtor files a Seizure Exemption Claim Form or another document asserting an exemption:
    - (a) the court must hold a hearing on the exemption claim; and
    - (b) the receiver or officer must not sell the judgment debtor's personal property or distribute proceeds of it to the judgment creditor until the court determines the judgment debtor's exemption claim.
  - (2) *Hearing Notice.* Each party is entitled to reasonable notice of the hearing.
  - (3) *Burden of Proof.* At the hearing, the judgment debtor must prove the exemption claim and the value of the personal property exempt. The judgment debtor may satisfy this burden through a sworn statement if the sworn statement is not challenged. A "sworn" statement is one that is signed before a notary or made under penalty of perjury.
  - (4) *Time for Determining Exemption Claim.* The court must determine the judgment debtor's exemption claim within 10 days after the judgment debtor files the exemption claim. The court may extend the time for determining the exemption claim on good cause shown.
  - (5) *Release of Property.* If the court determines that the judgment debtor's personal property is exempt, the court must order its release within three business days. The court may extend the time for release on good cause shown.

2022 Comment: Rule 679b is a new rule implementing section 22.0042 of Texas Government Code, which calls for expedited procedures that allow a judgment debtor to assert an exemption to the seizure of personal property by a judgment creditor or receiver appointed under section 31.002 of the Civil Practice and Remedies Code. Rule 306a, various rules in Part V, Rule 663a, and Rule 664a are also amended to implement section 22.0042 of the Texas Government Code.

CAUSE NO. \_\_\_\_\_

_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____

### **SEIZURE EXEMPTION NOTICE**

You are receiving this notice because your money or property has been frozen or “seized” (taken) to pay a debt judgment against you. **IF YOU ARE AN INDIVIDUAL (NOT A COMPANY), YOU MAY BE ABLE TO GET YOUR MONEY OR PROPERTY BACK, SO READ THIS NOTICE CAREFULLY.** Certain laws, called “exemptions,” protect some kinds of money and property from being taken. The following is a list of the types of money and property that may be protected:

Current wages for personal services
Social Security Administration benefits, including Social Security Retirement, SSI, and SSDI
Veterans Administration benefits
Railroad Retirement Board benefits
Office of Personnel Management retirement benefits
FEMA disaster benefits
Workers’ compensation benefits
Unemployment benefits
Child support, alimony, and spousal support
Pension and retirement benefits
Proceeds from the sale of a homestead
Tax-deferred retirement accounts, like 401(k) and IRA accounts
Professionally prescribed health aids
Education savings accounts
Health savings accounts
Temporary Assistance for Needy Families (“TANF”) funds
Life insurance and annuity benefits
Religious bible or other sacred religious book

In addition to the above list, the following types of property may be protected up to a combined total of \$50,000 for a single person or \$100,000 for a family:

Home furnishings, including family heirlooms
Food and similar items for consumption
Farming or ranching vehicles and implements
Tools and equipment used for a job
Clothes
Jewelry up to \$12,500 for a single person or \$25,000 for a family
2 firearms

Athletic and sporting equipment
1 motor vehicle for each member of the family
2 horses, mules, or donkeys with food on hand and riding equipment
12 head of cattle with food on hand
60 head of other livestock with food on hand
120 fowl with food on hand
Household pets
Unpaid commissions for personal services up to \$12,500 for a single person or \$25,000 for a family

**TO GET YOUR PROTECTED MONEY OR PROPERTY BACK, YOU MUST:**

- Fill out the “Seizure Exemption Claim Form” that is included with this notice or another document asserting an exemption; AND
- File (turn in) that form or document **IMMEDIATELY** to the court listed at the top of this Notice.

**Need Help?**

Find out more about exemptions and the judgment enforcement process at [www.TexasLawHelp.org](http://www.TexasLawHelp.org). You may file these forms without having a lawyer, but you are encouraged to get a lawyer to help you in this process. **For information on free and low-cost legal services**, visit [www.txcourts.gov/programs-services/legal-aid](http://www.txcourts.gov/programs-services/legal-aid) or call the legal aid office that serves your area: Texas RioGrande Legal Aid at (800) 369-0574; Lone Star Legal Aid at (800) 733-8394; and Legal Aid of Northwest Texas at (800) 955-3959. You can also call the State Bar of Texas lawyer referral service at (800) 252-9690.

## **INSTRUCTIONS FOR SEIZURE EXEMPTION CLAIM FORM**

### **What Is the Seizure Exemption Claim Form?**

Certain federal and state laws, called “exemptions,” protect some kinds of money and property from being taken. The Seizure Exemption Claim Form is a form you can fill out and deliver to the court if you would like to get back protected money or property that has been frozen or taken.

### **How Do I Use the Seizure Exemption Claim Form?**

1. Read these instructions carefully.
2. Fill out the Seizure Exemption Claim Form, including the Certificate of Service. More detailed instructions for filling out the Seizure Exemption Claim Form are included in the form.
3. Make a copy of your completed Seizure Exemption Claim Form to keep for yourself.
4. File (turn in) your completed Seizure Exemption Claim Form, including the Certificate of Service, with the court listed at the top of the Seizure Exemption Notice. You may turn in the Seizure Exemption Claim Form in person, by mail, or by using the eFile system. If you use the eFile system, be sure to mark that the Seizure Exemption Claim Form has sensitive data.
5. On the day that you turn in your completed Seizure Exemption Claim Form to the court, you must mail and/or email copies of it to everyone listed in the section of the Seizure Exemption Claim Form titled “Interested Persons to Notify.”
6. Read Texas Rule of Civil Procedure 679b by visiting [www.txcourts.gov/rules-forms/rules-standards/](http://www.txcourts.gov/rules-forms/rules-standards/) to learn what happens next.

### **What Happens Next?**

The court should schedule a hearing within 10 days after it receives your completed Seizure Exemption Claim Form to decide if your money or property is protected. The court will send you the date and time of the hearing at the mailing or email address you gave in your Seizure Exemption Claim Form. If you think the court has received your Seizure Exemption Claim Form, but you have not been notified of the hearing date and time, call the court.

### **Don't Miss Your Hearing!**

Make sure to attend the hearing. **If you do not attend, the court may refuse to return your money or property.** At the hearing, you will need to tell the court what money or property has been frozen or taken and why it is protected. Bring documents or other items that show that your money or property is protected and the value of your property, like:

- A copy of pay stubs and account statements showing deposits of protected money;
- A letter from a government agency awarding benefits such as Social Security;
- A divorce decree for alimony, child support, or spousal support; and
- A certificate of title for any vehicle that has been taken.

### **Need Help?**

Find out more about exemptions and the judgment enforcement process at [www.TexasLawHelp.org](http://www.TexasLawHelp.org). You may file these forms without having a lawyer, but you are encouraged to get a lawyer to help you in this process. **For information on free and low-cost legal services**, visit [www.txcourts.gov/programs-services/legal-aid](http://www.txcourts.gov/programs-services/legal-aid) or call the legal aid office that serves your area: Texas RioGrande Legal Aid at (800) 369-0574; Lone Star Legal Aid at (800)

FORMS PRELIMINARILY APPROVED BY THE SUPREME COURT OF TEXAS IN MISC. DKT. NO. 21-9152  
THE SUPREME COURT OF TEXAS IS ACCEPTING PUBLIC COMMENT. THESE FORMS ARE NOT FINAL.

733-8394; and Legal Aid of Northwest Texas at (800) 955-3959. You can also call the State Bar of Texas lawyer referral service at (800) 252-9690.



**NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA**

CAUSE NO. \_\_\_\_\_

_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____
_____	§	_____

*(Fill in the above. Copy the information listed at the top of the Seizure Exemption Notice or contact the court for this information.)*

**SEIZURE EXEMPTION CLAIM FORM**

**1. Your Information** *(Fill in the blanks below.)*

My full name (First, Middle, Last) is: \_\_\_\_\_.

My address is: \_\_\_\_\_.

My phone number is: \_\_\_\_\_.

My email I check often is: \_\_\_\_\_.

*(If you do not check your email often, leave this blank.)*

The last three numbers of my driver's license are: \_\_\_\_\_.

*(If you do not have a driver's license, leave this blank.)*

The last three numbers of my social security number are: \_\_\_\_\_.

*(If you do not have a social security number, leave this blank.)*

**2. Exemption Claim(s)** *(Check all the below boxes that apply.)*

Some of my money or property has been frozen or taken. It is protected and should be returned to me because it is:

<input type="checkbox"/>	Current wages for personal services
<input type="checkbox"/>	Social Security Administration benefits, including Social Security Retirement, SSI, and SSDI
<input type="checkbox"/>	Veterans Administration benefits
<input type="checkbox"/>	Railroad Retirement Board benefits

<input type="checkbox"/>	Office of Personnel Management retirement benefits
<input type="checkbox"/>	FEMA disaster benefits
<input type="checkbox"/>	Workers' compensation benefits
<input type="checkbox"/>	Unemployment benefits
<input type="checkbox"/>	Child support, alimony, and spousal support
<input type="checkbox"/>	Pension and retirement benefits
<input type="checkbox"/>	Proceeds from the sale of a homestead
<input type="checkbox"/>	Tax-deferred retirement accounts, like 401(k) and IRA accounts
<input type="checkbox"/>	Professionally prescribed health aids
<input type="checkbox"/>	Education savings accounts
<input type="checkbox"/>	Health savings accounts
<input type="checkbox"/>	Temporary Assistance for Needy Families ("TANF") funds
<input type="checkbox"/>	Life insurance and annuity benefits
<input type="checkbox"/>	Religious bible or other sacred religious book
<input type="checkbox"/>	Home furnishings, including family heirlooms Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Food and similar items for consumption Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Farming or ranching vehicles and implements Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Tools and equipment used for a job Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Clothes Value \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Jewelry Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Firearms Number: _____ ( <i>Write number.</i> ); Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Athletic and sporting equipment Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Motor vehicles Number: _____ ( <i>Write number.</i> ); Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Horses, mules, or donkeys Number: _____ ( <i>Write number.</i> ); Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Cattle Number: _____ ( <i>Write number.</i> ); Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Other livestock Number: _____ ( <i>Write number.</i> ); Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Fowl Number: _____ ( <i>Write number.</i> ); Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Household pets Value: \$ _____ ( <i>Write value.</i> )
<input type="checkbox"/>	Unpaid commissions for personal services Value: \$ _____ ( <i>Write value.</i> )

### 3. Hearing

FORMS PRELIMINARILY APPROVED BY THE SUPREME COURT OF TEXAS IN MISC. DKT. NO. 21-9152  
THE SUPREME COURT OF TEXAS IS ACCEPTING PUBLIC COMMENT. THESE FORMS ARE NOT FINAL.

I ask that the Court set a hearing on my exemption claim(s) and order that my money or property be returned to me.

(Check one.)

<input type="checkbox"/>	I would prefer to receive communications from the court, including notice of my hearing, by email to the email address listed above.
<input type="checkbox"/>	I would prefer to receive communications from the court, including notice of my hearing, by mail to the mailing address listed above.

**4. Declaration/Affidavit:** (Check and 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 fill out the Notary box, you need to do that in front of a notary public.)

<input type="checkbox"/> <b>Declaration:</b> I declare under penalty of perjury that the foregoing is true and correct.	
My name is _____ . My date of birth is ___ / ___ / ___ .	
My address is _____ .	
<i>Street</i>	<i>City</i> <i>State</i> <i>Zip Code</i> <i>Country</i>
_____ signed on ___ / ___ / ___ in _____ County, _____ .	
<i>Your Signature</i>	<i>Today's Date</i> <i>County</i> <i>State</i>
<input type="checkbox"/> <b>Notary:</b> I declare under penalty of perjury that the foregoing is true and correct.	
_____	_____
<i>Your Printed Name</i>	<i>Your Signature</i>
<i>Notary to fill in:</i>	
Sworn to and subscribed to me this _____ day of _____, 20 _____ .	
_____ (Notary)	

**5. Interested Persons to Notify** (*This section should already be filled in by the Receiver or Judgment Creditor. If it is not, contact the court listed at the top of the Seizure Exemption Notice for help.*)

Judgment Creditor or Judgment Creditor's Attorney:

The Judgment Creditor's or the Judgment Creditor's Attorney's contact information is:

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Sheriff or Constable:

There is not a Sheriff or Constable to notify.

There is a Sheriff or Constable to notify, and the Sheriff or Constable's contact information is:

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Receiver: (*A "Receiver" is a person appointed by the court to locate and collect your money or property.*)

No, there is not a Receiver to notify.

Yes, there is a Receiver to notify, and the Receiver's contact information is:

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Garnishee: (*A "Garnishee" is a person or an entity, like a bank, that holds your money or property.*)

No, there is not a Garnishee to notify.

Yes, there is a Garnishee to notify, and the Garnishee's contact information is:

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## CERTIFICATE OF SERVICE

I certify that on this day, I have sent a copy of this form at follows: *(Send a copy to everyone listed at the “Interested Persons to Notify” section of this form. List their names and how and where you sent the form in the chart below.)*

	<b>Who did you send this form to?</b> <i>(Write everyone’s name listed in the “Interested Persons to Notify” section of this form. You may not need to use all the rows below.)</i>	<b>How did you send this form?</b> <i>(Check one or both.)</i>	<b>What address and/or email did you send this form to?</b> <i>(You need to use the address or email they gave the court. Look in the “Interested Persons to Notify” section of this form for their contact information.)</i>
a.		<input type="checkbox"/> Mail <input type="checkbox"/> Email	
b.		<input type="checkbox"/> Mail <input type="checkbox"/> Email	
c.		<input type="checkbox"/> Mail <input type="checkbox"/> Email	
d.		<input type="checkbox"/> Mail <input type="checkbox"/> Email	

\_\_\_\_\_  
Signature *(Sign your name here.)*

\_\_\_\_\_  
Today’s Date

CAUSE NO. \_\_\_\_\_

§ IN THE JUSTICE COURT  
PLAINTIFF (JUDGMENT CREDITOR) §  
v. §  
§ PRECINCT \_\_\_\_  
§  
DEFENDANT (JUDGMENT DEBTOR) § \_\_\_\_\_ COUNTY, TEXAS

**ORDER APPOINTING RECEIVER**

The court has considered Judgment Creditor’s Application for Appointment of a Receiver under Texas Civil Practice and Remedies Code § 31.002. After reviewing the evidence and the court’s file, the court **FINDS** that the judgment rendered in Cause No. \_\_\_\_\_ is valid, final, and fully payable. The judgment awarded was \$ \_\_\_\_\_, including costs, with interest at the rate of \_\_\_\_% to be compounded annually. On \_\_\_\_\_ (date), the total balance due on the judgment—less any credits, payments, and offsets—was \$ \_\_\_\_\_.

The court **FINDS** that the judgment remains unsatisfied; that Judgment Debtor owns property that is not exempt from attachment, execution, or seizure for the satisfaction of the judgment; and that Judgment Creditor is entitled to the court’s aid in reaching Judgment Debtor’s nonexempt property to satisfy the judgment.

It is therefore **ORDERED** that the following person (“Receiver”) is appointed under Texas Civil Practice and Remedies Code § 31.002 with authority to take possession of Judgment Debtor’s nonexempt property that is in Judgment Debtor’s possession or is subject to Judgment Debtor’s control, sell the property, and pay the proceeds to Judgment Creditor to the extent required to satisfy the judgment. Judgment Debtor’s nonexempt property may include financial accounts, certificates of deposit, and money-market accounts held by a third party.

**Receiver’s Information:**

Name: \_\_\_\_\_

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

Email Address: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_

State Bar No. (if applicable): \_\_\_\_\_

**Receiver’s Additional Limited Powers:** Receiver also has the following limited authority. Receiver may: (1) obtain Judgment Debtor’s credit information and credit reports; (2) obtain Judgment Debtor’s financial information and records from Judgment Debtor or a third party; (3)

certify copies of this Order; and (4) negotiate and obtain installment payment agreements with Judgment Debtor, if Receiver reasonably believes that a payment agreement is the best option to satisfy the judgment. Receiver cannot reduce the total balance owed under the judgment without Judgment Creditor's authorization.

**Personal Property Exemptions of Judgment Debtor:** Receiver must comply with Texas Rule of Civil Procedure 679b.

**Turnover:** Judgment Debtor and any third party in possession of Judgment Debtor's property is **ORDERED** to turn over Judgment Debtor's nonexempt property to the Receiver.

**Time Period:** This Receivership terminates on \_\_\_\_\_ (date, not to exceed 180 days after the date this Order is signed), unless extended by the court on request of Judgment Creditor or Receiver and on good cause shown.

**Receiver's Fee, Oath, and Bond:** Receiver's fee is conditionally set at \_\_\_\_\_% of the funds collected during the receivership. At the completion of Receiver's duties, Receiver must prove that such amount is reasonable based on the work performed and the results obtained, and the court may reconsider and adjust the Receiver's fee for reasonableness. The court-approved fee will be taxed as costs against Judgment Debtor, and Receiver may collect that fee from Judgment Debtor in addition to the amount collected to satisfy the judgment.

Receiver must complete an oath to perform their duties faithfully before acting under this Order.

Receiver must execute a good and sufficient bond in the amount of \$ \_\_\_\_\_ before acting under this Order.

**Receiver's Expenses:** Receiver must provide an accounting or receipts of any reasonable and necessary expenses, including those for storage of any property seized, to the court. Court-approved expenses will be taxed as costs against Judgment Debtor, and Receiver may collect those expenses from Judgment Debtor in addition to the amount collected to satisfy the judgment.

**Receiver to Hold Property:** Receiver must not disburse funds to Judgment Creditor or sell property within 14 days after serving Judgment Debtor with the Seizure Exemption Notice, the Instructions for Seizure Exemption Claim Form, and the Seizure Exemption Claim Form adopted by the Supreme Court, or within 17 days if service was by mail. If the Judgment Debtor asserts an exemption, Receiver may only disburse funds to Judgment Creditor or sell property with Judgment Debtor's written consent or a court order.

**ISSUED AND SIGNED** on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_  
\_\_\_\_\_  
COUNTY, TEXAS

# Exempt Property Benchcard

## What is Exempt Property?

Texas property law exempts certain categories of property from seizure to satisfy a debt. This means that if a judgment is entered against a person, it can only be satisfied by specific categories of properties that are not exempt by the law called, *non-exempt property*. Chapter 41 and 42 of the Texas Property Code govern most property exemptions.

Real Property			
Type	Amount		Statute
Rural Homestead	Family	200 acres	Property Code 41.001, 41.002
	Single Adult	100 acres	
Urban Homestead	10 acres		
Burial Plots	One or more		Property Code 41.001

Personal Property – No Aggregate Limits	
Type	Statute
Current Wages for Personal Services <i>*except for the enforcement of court-ordered child support payments, spousal maintenance, defaulted federal student loans, and federal income taxes</i>	Property Code 42.001
Professionally Prescribed Health Aids <i>*of debtor or debtor’s dependent</i>	
Alimony, Spousal Support, or Spousal Maintenance	
Child Support	
Bible or Other Book Containing Sacred Writings of a Religion	
Savings and Retirement Accounts	Property Code 42.001, 42.0021
College Savings Plans	Property Code 42.0022



Personal Property – With Aggregate Limits		
Type	Aggregate Value Limits	
	Family	\$100,000
	Single Adult	\$50,000
Unpaid Commissions for Personal Services	<i>*Not to exceed 25%</i>	
Home Furnishings (including family heirlooms)		
Food		
Farming or Ranching Vehicles and Implements		
Tools, Equipment, Books, and Apparatus (including boats and motor vehicles used in trade or profession)		
Clothes		
Jewelry	<i>*Not to exceed 25%</i>	
Two Firearms		
Athletic and Sporting Equipment (including bicycles)		
Motor Vehicles (two-wheeled, three-wheeled, or four-wheeled) for each member of the family or single adult who holds a driver's license or who relies on another to operate the vehicle for the benefit of the non-licensed person)		
Two Horses, Mules, or Donkeys and a Saddle, Blanket, Bridle, and Food for each		
12 Head of Cattle		
60 Head of Other Types of Livestock		
120 Fowl		
Household Pets		

### ***What are Aggregate Limits?***

These are limits of **total** exempt personal property for an individual or family. The values of different types of personal property listed on this chart added together must not exceed the aggregate limits set for a family or individual. There are some additional limitations for some categories of property listed in the above chart.

Example: A person claims home furnishings, tools, and jewelry that together are valued at approximately \$50,000 as exempt property. Note – the value of the jewelry can only make up 25% or less of the \$50,000 (or \$12,500 or less).

**Sec. 22.0042. RULES REGARDING EXEMPTIONS FROM SEIZURE OF PROPERTY; FORM.** (a) The supreme court shall adopt rules that:

(1) establish a simple and expedited procedure for a judgment debtor to assert an exemption to the seizure of personal property by a judgment creditor or a receiver appointed under Section [31.002](#), Civil Practice and Remedies Code;

(2) require a court to stay a proceeding, for a reasonable period, to allow for the assertion of an exemption under Subdivision (1); and

(3) require a court to promptly set a hearing and stay proceedings until a hearing is held, if a judgment debtor timely asserts an exemption under Subdivision (1).

(b) Rules adopted under this section shall require the provision of a notice in plain language to a judgment debtor regarding the right of the judgment debtor to assert one or more exemptions under Subsection (a)(1). The notice must:

(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court;

(2) include the form promulgated under Subsection (c);

(3) list all exemptions under state and federal law to the seizure of personal property; and

(4) provide information for accessing free or low-cost legal assistance.

(c) Rules adopted under this section shall include the promulgation of a form in plain language for asserting an exemption under Subsection (a)(1). A form promulgated under this subsection must:

(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court; and

(2) include instructions for the use of the form.

(d) A court shall accept a form promulgated under Subsection (c) unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 15.01, eff. September 1, 2021.