

# Receivership Scenarios

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## Resources

- Civil Deskbook
- Garnishment Module
- Exempt Hearings Module (coming soon!)
- TJCTC Forms Page
- CPRC Sec. 31.002

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## Scenario 1 – Appoint?

- A judgment is rendered against a defendant by the Justice of the Peace in Apple County Precinct 1.
- You are the judge in Apple County Precinct 2 and the judgment creditor comes in asking you to appoint a receiver in this case. They say that the Precinct 1 judge hates plaintiffs and refuses to appoint receivers.
- Should you appoint a receiver here? Why or why not?

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## Scenario 2 – Appoint?

- A judgment creditor asks for appointment of a receiver. The application doesn't state that the defendant possesses non-exempt property. You ask at a hearing if the defendant has any non-exempt property and the judgment creditor responds "I don't know, that's why I need a receiver, so I can find out!"
- Appoint? Why or why not?

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## Scenario 3 – Form?

- A judgment creditor wants you to use their form in appointing a receiver, instead of the one from the TJCTC site. They say that form is too confusing, and they also disagree with some of the items. They also say that it is their judgment, their motion, and they are the one at risk.
- Use their form or the TJCTC form?

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## Scenario 4 – Fees?

- Should you charge for an application for a receiver?
- Can the requesting party request attorney's fees?
- The requesting party wants the order appointing the receiver to include the receiver's fee. Is this appropriate? What amount would you award, if so? Anything else that needs to happen?

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## Scenario 5 – Extension?

- A receiver requests an extension of the receivership, which you originally set at 90 days.
- What are some reasons you would grant this request?
- What are some reasons you would not grant this request?

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## Scenario 6 – Exempt Property Claim

- Your court appoints a receiver and the judgment debtor comes in and claims that the receiver has taken funds from the defendant's account that were exempt, as they were SSDI funds.
- What does the court do now?

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## Scenario 7 – No Warning

- Your court renders a judgment against a defendant, which does not contain the statutorily-mandated warnings about exempt property. The defendant later has property seized under a writ of execution and sold.
- They have now come in and claimed that the property was exempt, and that your court didn't warn them and so your court needs to fix the problem. What do we do?

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Questions?

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