

# Supreme Court of Texas

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Misc. Docket No. 22-9031

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**Final 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 Notice of Protected Property Rights, Instructions for Protected Property Claim Form, Protected Property Claim Form, and a Form Order Appointing Receiver**

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**ORDERED** that:

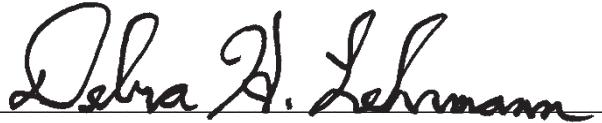
1. On December 7, 2021, in Misc. Dkt. No. 21-9152, the Court preliminarily approved amendments to Texas Rules of Civil Procedure 306a, 503, 505, 508, 509, 510, 663a, and 664a. The Court also preliminarily approved Texas Rules of Civil Procedure 679a and 679b and various forms, and invited public comment.
2. Following public comment, the Court made revisions to the rules and forms. This Order incorporates the revisions and contains the final version of the rules and forms, effective May 1, 2022.
3. The amendments to Rules 306a, 503, 505, 508, 509, 510, 663a, and 664a are demonstrated in redline and clean form. New Rules 679a and 679b and the forms are demonstrated in clean form only.
4. In accordance with Texas Government Code § 22.0042(d), a trial court must not refuse to accept the Protected Property Claim Form simply because a judgment debtor used a form or is not represented by counsel. If the Protected Property Claim Form is used, the court should attempt to rule on the claim without regard to non-substantive defects.
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*.

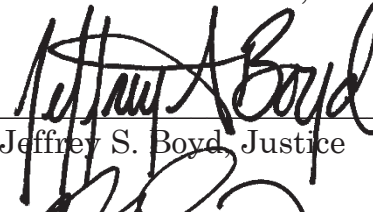
Dated: April 25, 2022.



Nathan L. Hecht, Chief Justice



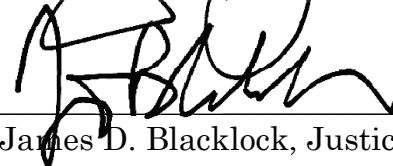
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



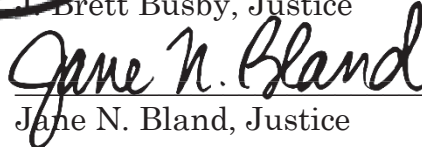
John P. Devine, Justice



James D. Blacklock, Justice



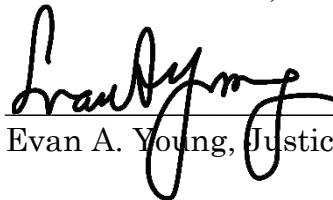
J. Brett Busby, Justice



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 (Redline Version)

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3. **Notice of Judgment.** When the final judgment or other appealable order is signed, the clerk of the court ~~shall~~**must** 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 state: “If you are an individual (not a company), your money or property may be protected from being taken to pay this judgment. Find out more by visiting [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property). / Si usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos de ser embargados como pago de esta deuda decretada en juicio en contra suya. Obtenga mayor información visitando el sitio [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property).” 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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#### RULE 306a. PERIODS TO RUN FROM SIGNING OF JUDGMENT (Clean Version)

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3. **Notice of Judgment.** When the final judgment or other appealable order is signed, the clerk of the court must 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 state: “If you are an individual (not a company), your money or property may be protected from being taken to pay this judgment. Find out

more by visiting [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property). / Si usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos de ser embargados como pago de esta deuda decretada en juicio en contra suya. Obtenga mayor información visitando el sitio [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property).” 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 (Redline Version)

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(e) *Form of Default Judgment.* A default judgment must comply with Rule 505.1.

#### RULE 503.1. IF DEFENDANT FAILS TO ANSWER (Clean Version)

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(e) *Form of Default Judgment.* A default judgment must comply with Rule 505.1.

#### RULE 503.2. SUMMARY DISPOSITION (Redline Version)

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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 Rule 505.1.

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#### RULE 503.2. SUMMARY DISPOSITION (Clean Version)

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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 Rule 505.1.

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## RULE 505. JUDGMENT; NEW TRIAL

### RULE 505.1. JUDGMENT (Redline Version)

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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~~

(5) if it awards monetary damages, state: "If you are an individual (not a company), your money or property may be protected from being taken to pay this judgment. Find out more by visiting [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property). / Si usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos de ser embargados como pago de esta deuda decretada en juicio en contra suya. Obtenga mayor información visitando el sitio [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property)."

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### RULE 505.1. JUDGMENT (Clean Version)

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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;
- (4) be dated the date of the judge's signature; and

- (5) if it awards monetary damages, state: “If you are an individual (not a company), your money or property may be protected from being taken to pay this judgment. Find out more by visiting [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property). / *Si usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos de ser embargados como pago de esta deuda decretada en juicio en contra suya. Obtenga mayor información visitando el sitio [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property).”*

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

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### **RULE 508.3. DEFAULT JUDGMENT (Redline Version)**

- (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. A default judgment must comply with Rule 505.1. When a default judgment is signed, the clerk must comply with Rule 503.1(d) and immediately mail written notice of the judgment to the defendant at the address provided by the plaintiff.

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### **RULE 508.3. DEFAULT JUDGMENT (Clean Version)**

- (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. A default judgment must comply with Rule 505.1. When a default judgment is signed, the clerk must comply with Rule 503.1(d) and immediately mail written notice of the judgment to the defendant at the address provided by the plaintiff.

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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 (Redline Version)**

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(b) *Form and Content.*

- (1) The judgment must ~~be in writing, signed, and dated~~ comply with Rule 505.1 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.

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**RULE 509.6. JUDGMENT: AMOUNT; FORM AND CONTENT; ISSUANCE AND SERVICE; FAILURE TO COMPLY (Clean Version)**

\*\*\*

(b) *Form and Content.*

- (1) The judgment must comply with Rule 505.1 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.

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## **RULE 510. EVICTION CASES**

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### **RULE 510.6. TRIAL DATE; ANSWER; DEFAULT JUDGMENT (Redline Version)**

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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/petition 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. A default judgment must comply with Rule 505.1.
- (c) *Notice of Default.* When a default judgment is signed, the clerk must comply with Rule 503.1(d) and immediately mail written notice of the judgment by first class mail to the defendant at the address provided by the plaintiff and, if different, at the address of the premises.

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### **RULE 510.6. TRIAL DATE; ANSWER; DEFAULT JUDGMENT (Clean Version)**

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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 petition 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. A default judgment must comply with Rule 505.1.
- (c) *Notice of Default.* When a default judgment is signed, the clerk must comply with Rule 503.1(d) and immediately mail written notice of the judgment by first class mail to the defendant at the address provided by the plaintiff and, if different, at the address of the premises.

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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 (Redline Version)

The defendant ~~shall~~must 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 t~~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: / A \_\_\_\_\_, Demandado:

~~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:~~

~~“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 PROPERTY BY FILING WITH THE COURT A MOTION TO DISSOLVE THIS WRIT.”

Your money or property has been frozen or seized (“garnished”) because \_\_\_\_\_ (the “Garnishor”) has filed a garnishment proceeding. That means they are trying to get your money or property from \_\_\_\_\_ (the “Garnishee”), the company or person who has it, to pay a debt you owe. / Su dinero o propiedad le han sido inmovilizados o incautados (“embargados”) porque \_\_\_\_\_, (el “Embargante”), ha entablado ante tribunales un auto procesal de embargo con la intención de obtener su dinero o propiedad de \_\_\_\_\_, (el “Embargado”), que es la compañía o persona física que los tiene, y como pago de lo que usted le adeuda.

**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 in the next few days a “Notice of Protected Property Rights” approved by the Supreme Court. Read that notice carefully for more information on what property can be protected and how to get your protected money or property back. You can ask the court to get your money or property back by turning in (“filing”) the “Protected Property Claim Form” that will be sent with the Notice of Protected Property Rights. / Si usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos (“eximidos”) de ser embargados de acuerdo a lo dispuesto en las leyes federales o estatales. Bajo la Norma de Derecho Procesal Civil Número 679b, el Embargante debe enviarle en los próximos días una “Notificación Sobre Derechos de Propiedad Protegida” aprobada por el Tribunal Supremo de Justicia. Lea con cuidado esta notificación para que obtenga mayor información sobre qué dinero y propiedades están protegidos y cómo recuperarlos. Puede solicitar que se le regresen sus propiedades y dinero que están protegidos entregando (“presentando”) ante el tribunal el “Formulario de Reclamo de Propiedad Protegida” que le será enviado junto con la “Notificación Sobre Derechos de Propiedad Protegida”.**

You may also file a “motion to dissolve” or “motion to modify” this writ of garnishment with the court because your money or property is exempt from garnishment. You can also get your money back if you file a “replevy bond,” which is cash or other security in an amount set by the court. / Usted también pudiera presentar por escrito una “petición de disolución” o “petición de modificación” de este auto procesal de embargo, ya que su dinero y propiedad están exentos de dicho embargo. También puede recuperar su dinero si presenta ante tribunales una “fianza reivindicatoria”, la cual es una garantía en efectivo o con fiador en una cantidad impuesta por el tribunal.

You can find out more about exemptions and the garnishment process by visiting [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property). / Obtenga mayor información sobre las

exenciones y el proceso judicial de embargo, visitando el sitio [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property).

You are encouraged to get a lawyer to help you. **For information on free and low-cost legal services**, visit [www.texascourts.gov/programs-services/legal-aid](http://www.texascourts.gov/programs-services/legal-aid) or call the legal aid offices that serve your area: Texas RioGrande Legal Aid at (888) 988-9996, Lone Star Legal Aid at (800) 733-8394, and Legal Aid of Northwest Texas at (888) 529-5277. You can also call the State Bar of Texas at (800) 252-9690. / *Se le recomienda que consiga a un abogado que le ayude. **Para información sobre cómo obtener servicios de asesoría legal gratuitos o a un bajo costo**, visite el sitio [www.texascourts.gov/programs-services/legal-aid](http://www.texascourts.gov/programs-services/legal-aid) o llame a la oficina de asistencia legal que presta servicios en su área: Texas RioGrande Legal Aid al (888) 988-9996; Lone Star Legal Aid al (800) 733-8394; y Legal Aid of Northwest Texas at (888) 529-5277. También puede llamar al Servicio de Información de Abogados en el Colegio de Abogados de Texas al (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 Notice of Protected Property Rights, the Instructions for Protected Property Claim Form, and the Protected Property Claim Form approved by the Supreme Court, as required by new Rule 679b. Other clarifying and stylistic changes have been made.

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### **RULE 663a. SERVICE OF WRIT AND OTHER DOCUMENTS ON DEFENDANT (Clean Version)**

The defendant must be served 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 after service of the writ on the garnishee. The face of the writ served on the defendant must display in at least twelve-point type and in a manner calculated to advise a reasonably attentive person of its contents, the following notice:

“To \_\_\_\_\_, Defendant: / A \_\_\_\_\_, Demandado:

Your money or property has been frozen or seized (“garnished”) because \_\_\_\_\_ (the “Garnishor”) has filed a garnishment proceeding. That means they are trying to get your money or property from \_\_\_\_\_ (the “Garnishee”), the company or person who has it, to pay a debt you owe. / *Su dinero o propiedad le han sido inmovilizados o incautados (“embargados”) porque \_\_\_\_\_, (el “Embargante”), ha entablado ante tribunales un auto procesal de embargo con la intención de*

obtener su dinero o propiedad de \_\_\_\_\_, (el “Embargado”), que es la compañía o persona física que los tiene, y como pago de lo que usted le adeuda.

**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 in the next few days a “Notice of Protected Property Rights” approved by the Supreme Court. Read that notice carefully for more information on what property can be protected and how to get your protected money or property back. You can ask the court to get your money or property back by turning in (“filing”) the “Protected Property Claim Form” that will be sent with the Notice of Protected Property Rights. / *Si usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos (“eximidos”) de ser embargados de acuerdo a lo dispuesto en las leyes federales o estatales. Bajo la Norma de Derecho Procesal Civil Número 679b, el Embargante debe enviarle en los próximos días una “Notificación Sobre Derechos de Propiedad Protegida” aprobada por el Tribunal Supremo de Justicia. Lea con cuidado esta notificación para que obtenga mayor información sobre qué dinero y propiedades están protegidos y cómo recuperarlos. Puede solicitar que se le regresen sus propiedades y dinero que están protegidos entregando (“presentando”) ante el tribunal el “Formulario de Reclamo de Propiedad Protegida” que le será enviado junto con la “Notificación Sobre Derechos de Propiedad Protegida”.*

You may also file a “motion to dissolve” or “motion to modify” this writ of garnishment with the court because your money or property is exempt from garnishment. You can also get your money back if you file a “replevy bond,” which is cash or other security in an amount set by the court. / *Usted también pudiera presentar por escrito una “petición de disolución” o “petición de modificación” de este auto procesal de embargo, ya que su dinero y propiedad están exentos de dicho embargo. También puede recuperar su dinero si presenta ante tribunales una “fianza reivindicatoria”, la cual es una garantía en efectivo o con fiador en una cantidad impuesta por el tribunal.*

You can find out more about exemptions and the garnishment process by visiting [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property). / *Obtenga mayor información sobre las exenciones y el proceso judicial de embargo, visitando el sitio [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property).*

You are encouraged to get a lawyer to help you. **For information on free and low-cost legal services**, visit [www.texascourts.gov/programs-services/legal-aid](http://www.texascourts.gov/programs-services/legal-aid) or call the legal aid offices that serve your area: Texas RioGrande Legal Aid at (888) 988-9996, Lone Star Legal Aid at (800) 733-8394, and Legal Aid of Northwest Texas at (888) 529-5277. You can also call the State Bar of Texas at (800) 252-9690. / *Se le recomienda que consiga a un abogado que le ayude. Para información sobre cómo obtener servicios de asesoría legal gratuitos o a un bajo costo, visite el*

sitio [www.texascourts.gov/programs-services/legal-aid](http://www.texascourts.gov/programs-services/legal-aid) o llame a la oficina de asistencia legal que presta servicios en su área: Texas RioGrande Legal Aid al (888) 988-9996; Lone Star Legal Aid al (800) 733-8394; y Legal Aid of Northwest Texas at (888) 529-5277. También puede llamar al Servicio de Información de Abogados en el Colegio de Abogados de Texas al (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 Notice of Protected Property Rights, the Instructions for Protected Property Claim Form, and the Protected Property Claim Form approved 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 (Redline Version)**

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, seek~~ file 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~~ a 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 and provides the same information as in the Personal Property Claim Form approved by the Supreme Court, 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 must 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 ~~its~~ 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~~ has 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 ~~theits~~ 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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#### **RULE 664a. DISSOLUTION OR MODIFICATION OF WRIT OF GARNISHMENT (Clean Version)**

A defendant whose property or account has been garnished or any intervening party who claims an interest in such property or account, may file a motion to dissolve or modify the writ of garnishment, the order directing its issuance, or both for any grounds or cause, extrinsic or intrinsic. The motion must be sworn and must admit or deny each finding stated in the order directing the issuance of the writ. If the movant is unable to admit or deny a finding, the movant 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 and provides the same information as in the Personal Property Claim Form approved by the Supreme Court, the court must follow the procedures provided by Rule 679b.

A motion to dissolve or modify based on other grounds must be heard promptly, after reasonable notice to the plaintiff (which may be less than three days), and must be determined within ten days after the motion is filed, unless extended for good cause shown. The filing of the motion 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 must be dissolved unless, at such hearing, the plaintiff proves the statutory grounds relied upon for the writ's issuance, but the court may modify its previous order granting the writ and the writ. The movant, however, has 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. The movant also has the burden to prove facts to justify substitution of property.

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

## **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, except on good cause shown in a written order.
- (b) *Order Appointing Turnover Receiver in All Courts.* A 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 state in any other order appointing a receiver:

**“Personal Property Rights 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 Notice of Protected Property Rights, the Instructions for Protected Property Claim Form, and the Protected Property Claim Form approved 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.* If 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 results in the freeze or seizure of personal property of an individual judgment debtor, the receiver or judgment creditor must serve the judgment debtor with the Notice of Protected Property Rights, the Instructions for Protected Property Claim Form, and the Protected Property Claim Form approved by the Supreme Court. Before service, the receiver or judgment creditor must fill in the case style and list the "Interested Persons to Notify" in the Protected Property Claim Form.
- (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 judgment debtor's property has been frozen or seized, whichever is first.
- (3) *Service Method.* The documents in (1) must be served as provided in Rule 21a or Rule 501.4, as applicable.
- (4) *Repeat Service Not Required.* Nothing in this rule requires the receiver or judgment creditor to serve the judgment debtor with the documents in (1) more than once.

### (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 Protected Property Claim Form; Hearing; Exemption Determination.*
- (1) *Hearing and Suspension Required.* If the judgment debtor files a Protected Property Claim Form or another sworn document containing the same information:
    - (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 its proceeds 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. A signed Protected Property Claim Form is a "sworn" statement.
  - (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.

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. / Causa No. \_\_\_\_\_

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

**Notice of Protected Property Rights /**  
**Notificación Sobre Derechos de Propiedad Protegida**

You received this notice because your money or property has been frozen or “seized” (taken) to pay a debt judgment against you. **You may be able to get your money or property back, so read this notice carefully.** If you are an individual (not a company), certain laws, called “exemptions,” protect your money and property from being used to pay this debt, and you may have the right to get your protected money or property unfrozen and returned to you. / *Usted recibió esta notificación porque su dinero o propiedad han sido inmovilizados o “incautados” (se los han quitado) como pago de una deuda decretada en juicio en contra suya. **Usted puede conseguir que se le regrese su dinero o propiedad, por ello lea esta notificación cuidadosamente.** Si usted es una persona física (y no una compañía), hay ciertas leyes llamadas “exenciones” que protegen su dinero y propiedad de ser utilizados para el pago de una deuda, y pudiera tener derecho a recuperar su dinero o propiedad que están protegidos y no son embargables.*

**To get your protected money or property back, you must: / Para que le regresen su dinero o propiedad protegidos, usted deberá:**

- **Fill out the “Protected Property Claim Form”** that is included with this notice; and / *Llenar el “Formulario de Reclamo de Propiedad Protegida” que se incluye en esta notificación; y*
- **“File” (turn in) the form immediately** to the court listed at the top of this notice. / *“Presentar” (entregar) el formulario de inmediato ante el tribunal indicado en la parte superior de esta notificación.*

The following is a list of the types of money and property that may be protected: / *La siguiente es una lista de la clase de propiedad y dinero que podrían estar protegidos:*

- Current wages for personal services / *Sueldo actual por servicios prestados*
- Social Security Administration benefits, including Social Security Retirement, SSI, SSDI / *Beneficios de la Administración del Seguro Social, incluyendo Pensión del Seguro Social, SSI, y SSDI*

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- Veterans Administration benefits / *Beneficios de la Administración de Veteranos*
- Railroad Retirement Board benefits / *Beneficios del Consejo de Jubilación de Empleados Ferroviarios*
- Office of Personnel Management retirement benefits / *Beneficios de jubilación de la Oficina Administrativa del Personal*
- FEMA disaster benefits / *Beneficios de FEMA por causa de desastres*
- Workers' compensation benefits / *Beneficios por accidentes laborales*
- Unemployment benefits / *Beneficios por desempleo*
- Child support, alimony, and spousal support / *Manutención a menores, pensión alimenticia, y manutención conyugal*
- Pension and retirement benefits / *Beneficios de pensión y jubilación*
- Proceeds from the sale of a homestead within 6 months after the sale / *Ingresos recibidos dentro de los 6 meses después de la venta de la vivienda principal*
- Tax-deferred retirement accounts, like 401(k) and IRA accounts / *Cuentas de inversión para jubilación con impuestos diferidos, como las 401(k) e IRA*
- Professionally prescribed health aids, like hearing aids and CPAP machines / *Dispositivos de salud recetados por un profesional, tales como aparatos auditivos y respiratorios CPAP*
- Education savings accounts / *Cuentas de ahorros para gastos educativos*
- Health savings accounts / *Cuentas de ahorro para gastos médicos*
- Temporary Assistance for Needy Families ("TANF") funds / *Fondos de Asistencia Pública Temporal para Familias Necesitadas ("TANF")*
- Life insurance policy or annuity benefits / *Beneficios de seguro de vida o de anualidades*
- Bible or other sacred religious book / *La Biblia u otros libros sagrados religiosos*

In addition, the following types of property may be protected up to a combined value of \$50,000 for a single person or \$100,000 for a family: / *Además, las siguientes clases de propiedad pudieran estar protegidas hasta por un valor combinado de \$50,000 dólares para una sola persona o \$100,000 dólares para una familia:*

- Home furnishings, including family heirlooms / *Mobiliario del hogar, incluyendo herencias de generaciones*
- Food and similar items for consumption / *Alimentos y artículos similares de consumo*
- Farming or ranching vehicles and implements / *Vehículos e implementos agrícolas y de ganadería*
- Tools, equipment, items, or vehicles used for a job / *Herramientas, equipo, artículos, o vehículos de trabajo*
- Clothes / *Ropa*

- Jewelry up to \$12,000 for a single person or \$25,000 for a family / *Joyas por un valor de hasta \$12,000 dólares para una sola persona o \$25,000 dólares para una familia*
- 2 firearms / *2 armas de fuego*
- Athletic and sporting equipment / *Equipo atlético y deportivo*
- 1 motor vehicle for each member of the family / *1 vehículo automotriz para cada miembro de la familia*
- 2 horses, mules, or donkeys with food on hand and riding equipment / *2 caballos, mulos, o burros con su alimento y equipo para montarlos*
- 12 head of cattle with food on hand / *12 cabezas de ganado con su alimento*
- 60 head of other livestock with food on hand / *60 cabezas de ganadería diversa con su alimento*
- 120 fowl with food on hand / *120 aves de corral con su alimento*
- Household pets / *Animales domésticos y mascotas*
- Unpaid commissions for personal services up to \$12,500 for a single person or \$25,000 for a family / *Comisiones pendientes por servicios prestados hasta por \$12,500 dólares para una sola persona o \$25,000 para una familia.*

### **Need help? / ¿Necesita ayuda?**

Learn more about exemptions and the judgment enforcement process at [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property) or by scanning this QR code with your camera phone: / *Obtenga mayor información sobre sus exenciones y el proceso ejecutorio (judgment enforcement) del fallo judicial (judgment) yendo a [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property) o escaneando este código QR con la cámara de su celular:*



You may file these forms yourself, but you are encouraged to get a lawyer to help you.

**For information on free and low-cost legal services,** visit

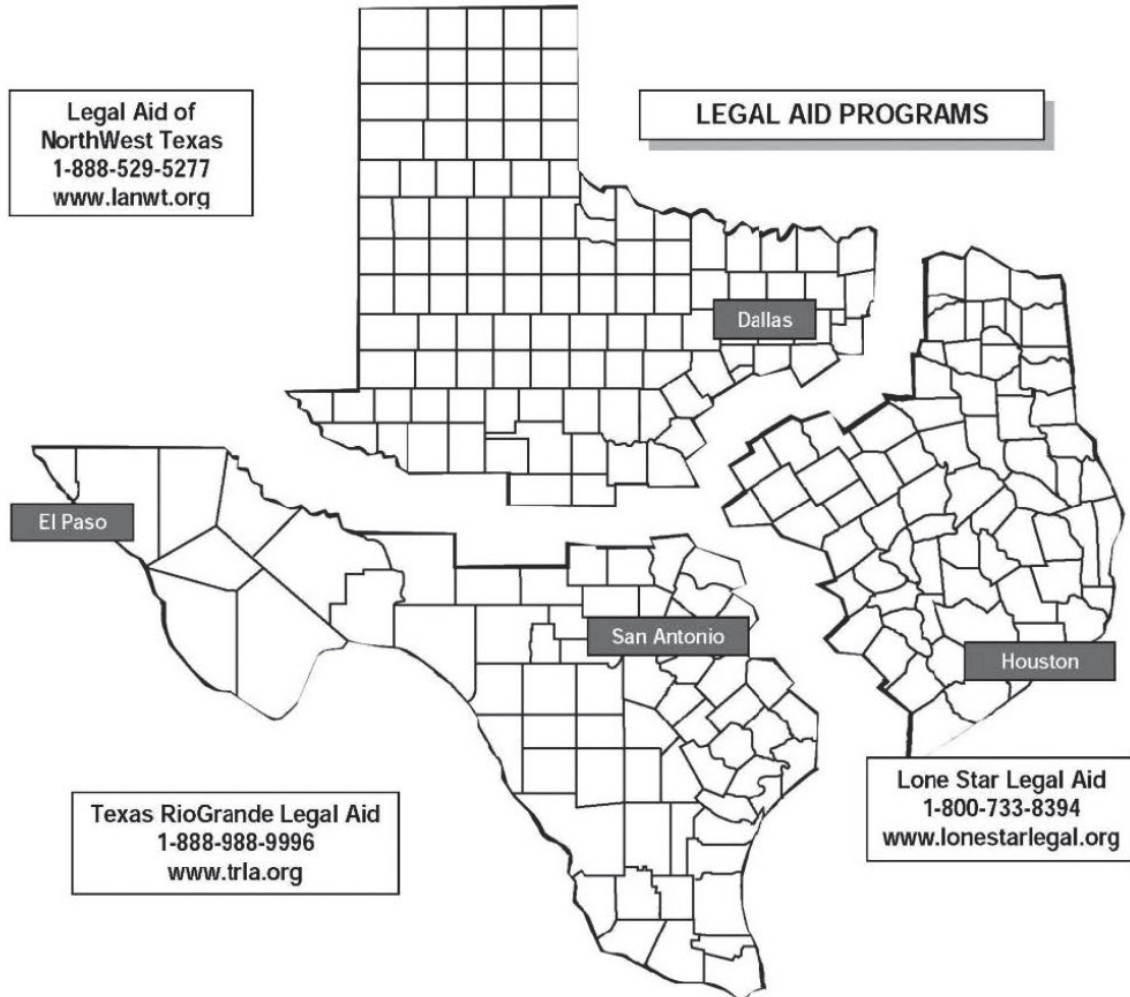
[www.txcourts.gov/programs-services/legal-aid](http://www.txcourts.gov/programs-services/legal-aid) or call the legal aid office that serves your area: Texas RioGrande Legal Aid at (888) 988-9996; Lone Star Legal Aid at (800) 733-8394; and Legal Aid of Northwest Texas at (888) 529-5277. You can also call the State Bar of Texas lawyer referral service at (800) 252-9690. / *Usted mismo puede presentar estos formularios ante tribunales, pero se le aconseja que contrate a un abogado que le ayude.*

**Para información sobre cómo obtener servicios de asesoría legal gratuitos o a un bajo costo,** visite el sitio

[www.txcourts.gov/programs-services/legal-aid](http://www.txcourts.gov/programs-services/legal-aid) o llame a la oficina de asistencia legal

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que presta servicios en su área: Texas RioGrande Legal Aid al (888) 988-9996; Lone Star Legal Aid al (800) 733-8394; y Legal Aid of Northwest Texas al (888) 529-5277. También puede llamar al Servicio de Información de Referencia de Abogados en el Colegio de Abogados de Texas al (800) 252-9690.



**Instructions for Protected Property Claim Form /**  
*Instrucciones para Llenar el Formulario de Reclamo de Propiedad  
Protegida*

**What is the Protected Property Claim Form? / ¿Qué es el Formulario de Reclamo de Propiedad Protegida?**

Federal and state laws, called “exemptions,” protect your money and property from being used to pay a debt judgment against you. Fill out the Protected Property Claim Form and “file” it (turn it in) with the court to try to get back your protected money or property that has been frozen or taken. / *Hay leyes federales y estatales conocidas como “exenciones”, que protegen su dinero y propiedad de ser utilizados para el pago de una deuda decretada en juicio en su contra. Llène el Formulario de Reclamo de Propiedad Protegida y “preséntelo” (entreguelo) ante el tribunal para tratar de recuperar su dinero o propiedad protegidos que le hayan quitado o embargado.*

**How do I use the Protected Property Claim Form? / ¿Cómo utilizar el Formulario de Reclamo de Propiedad Protegida?**

1. Read these instructions. / *Lea estas instrucciones.*
2. Fill out the Protected Property Claim Form, including the Certificate of Service. More detailed instructions for filling out the Protected Property Claim Form are included in the form. / *Llene el Formulario de Reclamo de Propiedad Protegida, incluyendo el Certificado de Emplazamiento. En el formulario están incluidas instrucciones más detalladas para presentar ante el tribunal el Formulario de Reclamo de Propiedad Protegida.*
3. Make a copy of your completed Protected Property Claim Form to keep for yourself. / *Haga una copia del Formulario de Reclamo de Propiedad Protegida que ha llenado, para que usted la conserve.*
4. “File” (turn in) your completed Protected Property Claim Form with the court listed at the top of the Notice of Protected Property Rights. You may turn in the Protected Property Claim Form in person, by mail, or using the eFile system. If you use eFile, be sure to mark that the Protected Property Claim Form has sensitive data. / *Llene el Formulario de Reclamo de Propiedad Protegida y “preséntelo” (entreguelo) ante el tribunal indicado en la parte superior de la Notificación Sobre Derechos de Propiedad Protegida. Usted puede entregar su Formulario de Reclamo de Propiedad Protegida en persona, por correo, o a través del sistema eFile en línea. Si utiliza eFile, asegúrese de indicar que su Formulario de Reclamo de Propiedad Protegida contiene datos confidenciales.*
5. The same day you turn in your completed Protected Property Claim Form to the court, you must mail or email copies of it to everyone listed in the section of the Protected Property Claim Form titled “Interested

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Persons to Notify.” This is called “service,” and it is an important step. **If you skip this step, the court may refuse to return your money or property.** / *El mismo día que presente ante el tribunal su Formulario de Reclamo de Propiedad Protegida una vez lleno, deberá enviar copias por correo regular o correo electrónico a todos aquellos enumerados en la sección del Formulario de Reclamo de Propiedad Protegida intitulada “Personas interesadas a notificar”. Este paso es muy importante y se le conoce como “emplazamiento”. De no hacerlo, el tribunal podría rehusarse a devolverle su dinero o propiedad.*

### **What happens next? / ¿Cuál es el siguiente paso?**

The court should schedule a hearing within 10 days after it receives your completed Protected Property 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 Protected Property Claim Form. If you think the court has received your Protected Property Claim Form, but you have not been notified of the hearing date and time, call the court. / *El tribunal habrá de fijar una audiencia dentro de los 10 días siguientes después de recibir su Formulario de Reclamo de Propiedad Protegida una vez lleno, en la que se habrá de decidir si su dinero o propiedad están protegidos por ley. El tribunal le enviará la fecha y hora de esta audiencia al domicilio o correo electrónico que usted proporcionó en su Formulario de Reclamo de Propiedad Protegida. Si usted piensa que el tribunal ya recibió su Formulario de Reclamo de Propiedad Protegida y no se le ha informado la fecha y hora de su audiencia, llame al tribunal.*

### **Don’t miss your hearing! / ¡No falte a su audiencia!**

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 under federal or state exemption laws. Bring documents or other items that show that your money or property is protected and the value of your property, like: / *Asegúrese que asiste a su audiencia. Si no asiste, el tribunal pudiera rehusarse a devolverle su dinero o propiedad. Durante la audiencia, usted tendrá que informarle al tribunal qué dinero o propiedad le han quitado o embargado y por qué están protegidos bajo las leyes de exención federales o estatales. Presente al tribunal documentos u otros artículos que demuestren que su dinero o propiedad sí están protegidos y el valor de esta propiedad, por ejemplo:*

- Account statements showing deposits of protected money, and copies of recent pay stubs; / *Estados de cuenta mostrando depósitos de dinero protegidos y copias de talonarios de cheques recientes;*
- A letter from a government agency awarding benefits such as Social Security retirement income; / *Carta de una entidad gubernamental en la*

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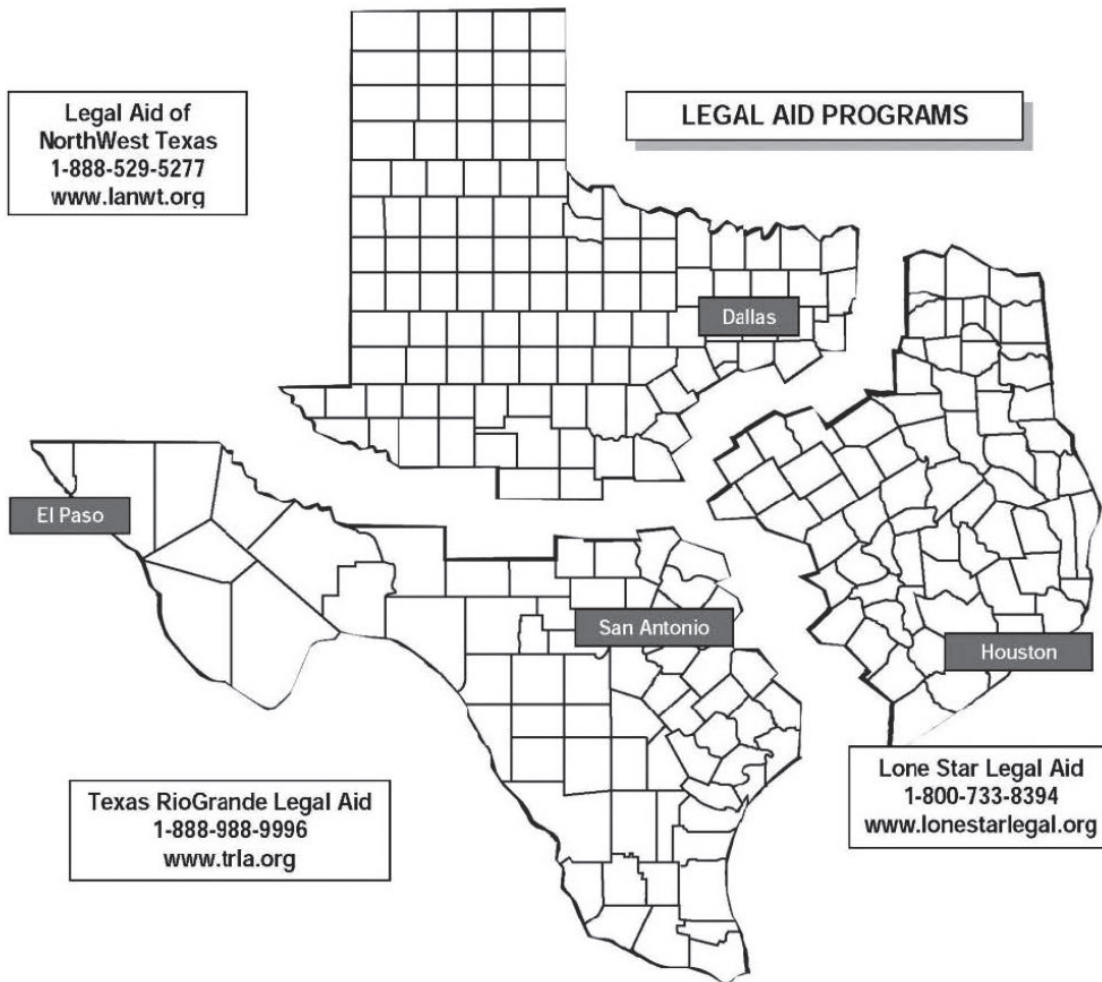
- que se otorgan beneficios, tales como ingresos por pensión del Seguro Social;*
- A divorce decree for alimony, child support, or spousal support; or / *Decreto de divorcio ordenando el pago de manutención a menores, manutención conyugal, o pensión alimenticia ordenada por un tribunal en otro estado; o*
  - A certificate of title for any vehicle that has been taken. / *Título de propiedad de cualquier vehículo que se le haya quitado.*

### **Need help? / ¿Necesita Ayuda?**

Learn more about exemptions and the judgment enforcement process at [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property) or by scanning this QR code with your camera phone: / *Obtenga mayor información sobre sus exenciones y el proceso ejecutorio (judgment enforcement) del fallo judicial (judgment) yendo a [www.texaslawhelp.org/exempt-property](http://www.texaslawhelp.org/exempt-property) o escaneando este código QR con la cámara de su celular:*



You may file these forms yourself, but 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](http://www.txcourts.gov/programs-services/legal-aid) or call the legal aid office that serves your area: Texas RioGrande Legal Aid at (888) 988-9996; Lone Star Legal Aid at (800) 733-8394; and Legal Aid of Northwest Texas at (888) 529-5277. You can also call the State Bar of Texas lawyer referral service at (800) 252-9690. / *Usted mismo puede presentar estos formularios ante tribunales, pero se le aconseja que contrate a un abogado que le ayude. Para información sobre cómo obtener servicios de asesoría legal gratuitos o a un bajo costo, visite el sitio [www.txcourts.gov/programs-services/legal-aid](http://www.txcourts.gov/programs-services/legal-aid) o llame a la oficina de asistencia legal que presta servicios en su área: Texas RioGrande Legal Aid al (888) 988-9996; Lone Star Legal Aid al (800) 733-8394; y Legal Aid of Northwest Texas al (888) 529-5277. También puede llamar al Servicio de Información de Referencia de Abogados en el Colegio de Abogados de Texas al (800) 252-9690.*



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**NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA**  
**ATENCIÓN: ESTE DOCUMENTO CONTIENE DATOS CONFIDENCIALES**

Cause No. / *Causa No.* \_\_\_\_\_

	§	
	§	
	§	
	§	
	§	
	§	

(The above “case style” should already be filled in by the Receiver or Judgment Creditor. It should match the information listed at the top of the Notice of Protected Property Rights. If it does not, contact the court listed at the top of the Notice of Protected Property Rights for help.) / *(El título de la causa arriba mencionada ya debió ser llenado por el Embargante o Acreedor del Fallo. Debe coincidir con la información que encabeza la Notificación de Derechos de Propiedad Protegida. Si no coincide, consulte al tribunal que encabeza la Notificación de Derechos de Propiedad Protegida.)*

**Protected Property Claim Form /**  
***Formulario de Reclamo de Propiedad Protegida***

**1. Your Information** (Fill in the blanks below.) / ***Sus datos*** (*Llene las líneas a continuación.*)

My full name (First, Middle, Last) is: / *Mi nombre y apellidos son:* \_\_\_\_\_  
\_\_\_\_\_.

My address is: / *Mi dirección es:* \_\_\_\_\_  
\_\_\_\_\_.

My phone number is: / *Mi teléfono es:* \_\_\_\_\_.

My email I check often is: / *El correo electrónico que reviso frecuentemente es:* \_\_\_\_\_  
\_\_\_\_\_.

(If you do not check your email often, leave this blank.) / *(Si no revisa su correo electrónico con frecuencia, deje la línea en blanco.)*

The last three numbers of my driver's license are: / *Las tres últimas cifras de mi licencia de conducir son:* \_\_\_\_\_.  
 (If the case against you is before a justice of the peace, leave this blank. If you do not have a driver's license, leave this blank.) / *(Si el caso en su contra es ante un juez de paz, deje la línea en blanco. Si no tiene licencia de conducir, déjela en blanco.)*

The last three numbers of my social security number are: / *Las tres últimas cifras de mi número del Seguro Social son:* \_\_\_\_\_.  
 (If the case against you is before a justice of the peace, leave this blank. If you do not have a social security number, leave this blank.) / *(Si el caso en su contra es ante un juez de paz, deje la línea en blanco. Si no tiene un número de Seguro Social, déjela en blanco.)*

**2. Exemption Claim(s)** (Check all the below boxes that apply.) / **Reclamo de Exención(es)** (Marque todas las casillas de abajo que correspondan.)

Some of my money or property has been frozen or taken. It is protected and should be returned to me because it is: / *Parte de mi propiedad o dinero me han sido inmovilizados o me los han quitado. Tienen protección y se me deben devolver porque se trata de:*

<input type="checkbox"/> Current wages for personal services / <i>Sueldo actual por servicios prestados</i>
<input type="checkbox"/> Social Security Administration benefits, including Social Security Retirement, SSI, and SSDI / <i>Beneficios de la Administración del Seguro Social, incluyendo Pensión del Seguro Social, SSI, y SSDI</i>
<input type="checkbox"/> Veterans Administration benefits / <i>Beneficios de la Administración de Veteranos</i>
<input type="checkbox"/> Railroad Retirement Board benefits / <i>Beneficios del Consejo de Jubilación de Empleados Ferroviarios</i>
<input type="checkbox"/> Office of Personnel Management retirement benefits / <i>Beneficios de jubilación de la Oficina Administrativa del Personal</i>
<input type="checkbox"/> FEMA disaster benefits / <i>Beneficios de FEMA por causa de desastres</i>
<input type="checkbox"/> Workers' compensation benefits / <i>Beneficios por accidentes laborales</i>
<input type="checkbox"/> Unemployment benefits / <i>Beneficios por desempleo</i>
<input type="checkbox"/> Child support, alimony, and spousal support / <i>Manutención a menores, pensión alimenticia y manutención conyugal</i>
<input type="checkbox"/> Pension and retirement benefits / <i>Beneficios de pensión y jubilación</i>

<input type="checkbox"/> Proceeds from the sale of a homestead within 6 months after the sale / <i>Ingresos recibidos dentro de los 6 meses después de la venta de la vivienda principal</i>		
<input type="checkbox"/> Tax-deferred retirement accounts, like 401(k) and IRA accounts / <i>Cuentas de inversión para jubilación con impuestos diferidos, como las 401(k) e IRA</i>		
<input type="checkbox"/> Professionally prescribed health aids, like hearing aids and CPAP machines / <i>Dispositivos de salud recetados por un profesional, tales como aparatos auditivos y respiratorios CPAP</i>		
<input type="checkbox"/> Education savings accounts / <i>Cuentas de ahorro para gastos educativos</i>		
<input type="checkbox"/> Health savings accounts / <i>Cuentas de ahorro para gastos médicos</i>		
<input type="checkbox"/> Temporary Assistance for Needy Families (“TANF”) funds / <i>Fondos de Asistencia Pública Temporal para Familias Necesitadas (“TANF”)</i>		
<input type="checkbox"/> Life insurance and annuity benefits / <i>Beneficios de seguro de vida y anualidades</i>		
<input type="checkbox"/> Bible or other sacred religious book / <i>La Biblia u otros libros sagrados religiosos</i>		
<input type="checkbox"/> Home furnishings, including family heirlooms / <i>Mobiliario del hogar, incluyendo herencias de generaciones</i>		Value: / Valor: \$ _____
<input type="checkbox"/> Food and similar items for consumption / <i>Alimentos y artículos similares de consumo</i>		Value: / Valor: \$ _____
<input type="checkbox"/> Farming or ranching vehicles and implements / <i>Vehículos e implementos agrícolas y de ganadería</i>		Value: / Valor: \$ _____
<input type="checkbox"/> Tools, equipment, items, or vehicles used for a job / <i>Herramientas, equipo, artículos, o vehículos de trabajo</i>		Value: / Valor: \$ _____
<input type="checkbox"/> Clothes / <i>Ropa</i>		Value: / Valor: \$ _____
<input type="checkbox"/> Jewelry / <i>Joyas</i>		Value: / Valor: \$ _____
<input type="checkbox"/> Firearms / <i>Armas de fuego</i>	How many? / <i>¿Cuántas?</i> _____	Value: / Valor: \$ _____
<input type="checkbox"/> Motor vehicles / <i>Vehículos automotrices</i>	How many? / <i>¿Cuántos?</i> _____	Value: / Valor: \$ _____
<input type="checkbox"/> Horses, mules, or donkeys / <i>Caballos, mulos, o burros</i>	How many? / <i>¿Cuántos?</i> _____	Value: / Valor: \$ _____
<input type="checkbox"/> Cattle / <i>Ganado</i>	How many? / <i>¿Cuántos?</i> _____	Value: / Valor: \$ _____
<input type="checkbox"/> Other livestock / <i>Ganado diverso</i>	How many? / <i>¿Cuántos?</i> _____	Value: / Valor: \$ _____

<input type="checkbox"/> Fowl / <i>Aves de corral</i>	How many? / <i>¿Cuántas?</i> _____	Value: / <i>Valor:</i> \$_____
<input type="checkbox"/> Athletic and sporting equipment / <i>Equipo atlético y deportivo</i>		Value: / <i>Valor:</i> \$_____
<input type="checkbox"/> Household pets / <i>Animales domésticos y mascotas</i>		Value: / <i>Valor:</i> \$_____
<input type="checkbox"/> Unpaid commissions for personal services / <i>Comisiones pendientes por servicios prestados</i>	Amount owed to you / <i>Monto que se le debe:</i> \$_____	

### 3. Hearing / *Audiencia*

I ask that the Court set a hearing on my exemption claim(s) and order that my money or property be returned to me. / *Solicito que el Tribunal fije una audiencia para mi reclamo de exenciones y ordene que se me devuelva mi propiedad o dinero.*

(Check one.) / *(Marque solo una casilla.)*

I would prefer the court to **email** me notice of my hearing and other communications at the email address listed above. / *Prefiero que se me envíe la notificación de mi audiencia y otras comunicaciones al **correo electrónico** arriba mencionado.*

I would prefer the court to **mail** me notice of my hearing and other communications at the mailing address listed above. / *Prefiero que se me envíe la notificación de mi audiencia y otras comunicaciones a la **dirección** donde recibo mi correo arriba mencionada.*

4. **Declaration:** (Fill out this box completely. By signing this declaration, you are swearing that everything in this form is true.) / ***Declaración:*** *(Llene esta sección completamente. Con su firma en esta declaración, usted jura que todo lo escrito en este formulario es verdadero.)*

I declare under penalty of perjury that the foregoing is true and correct. / *Declaro bajo pena de perjurio que lo anterior es correcto y verdadero.*

My name is: / *Mi nombre y apellidos son:* \_\_\_\_\_

My date of birth is: / *Mi fecha de nacimiento es:* \_\_\_\_\_

My address is / <i>Mi dirección es:</i>				
Street <i>Calle</i>	City <i>Ciudad</i>	State <i>Estado</i>	Zip Code <i>Código Postal</i>	Country <i>País</i>
_____ signed on _____ in _____.				
Your Signature <i>Su Firma</i>	Today's Date <i>Fecha</i>	County <i>Condado</i>	State <i>Estado</i>	

**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 Notice of Protected Property for help.) / **Personas Interesadas a Notificar:** (*Esta sección deberá estar ya llena por el Embargante o Acreedor del Fallo. De no ser así, solicite ayuda comunicándose con el tribunal que encabeza la Notificación de Propiedad Protegida.*)

Judgment Creditor or Judgment Creditor's Attorney: / *El Acreedor del Fallo o su abogado:*  
 The Judgment Creditor's or the Judgment Creditor's Attorney's contact information is: /  
*La información para comunicarse con el Acreedor del Fallo o su abogado es la siguiente:*

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Sheriff or Constable: / *Sheriff o Alguacil:*

- There is not a Sheriff or Constable to notify. / *No hay Sheriff o Alguacil a quien notificar.*
- There is a Sheriff or Constable to notify, and the Sheriff or Constable's contact information is: / *Sí, hay un Sheriff o Alguacil a quien notificar y la información para comunicarse con el Sheriff o Alguacil es la siguiente:*

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Receiver: (A "Receiver" is a person appointed by the court to locate and collect your money or property.) / *El Embargante: (Un "Embargante" es la persona designada por el tribunal para localizar y recuperar su dinero o propiedad.)*

- No, there is not a Receiver to notify. / *No, no hay Embargante a quien notificar.*
- Yes, there is a Receiver to notify, and the Receiver's contact information is: / *Sí, hay Embargante a notificar. La información del Embargante es la siguiente:*

Protected Property Claim Form approved by the Supreme Court of Texas in Misc. Dkt. No. 22-9031 /  
*Formulario de Reclamo de Propiedad Protegida aprobado por el Tribunal Supremo de Justicia de Texas en Misc. Dkt. No. 22-9031*

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Garnishee or Garnishee’s Attorney: (A “Garnishee” is a person or an entity, like a bank, that holds your money or property.) / *El Embargado o su abogado: (Un “Embargado” es una persona o entidad, como un banco, que tiene en custodia su dinero o propiedad.)*

No, there is not a Garnishee to notify. / *No, no hay un Embargado a notificar.*

Yes, there is a Garnishee to notify, and the Garnishee’s contact information is: / *Sí, hay un Embargado a notificar. La información del Embargado es la siguiente:*

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## Certificate of Service / Certificado de Emplazamiento

I certify that I have sent a copy of this form to all the interested persons to notify listed above, using the contact information listed above. / *Certifico que he enviado copia de este formulario a todos los interesados a notificar que figuran más arriba, utilizando la información que antecede.*

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Your Signature / *Su firma*

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Today's Date / *Fecha de hoy*

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 amount of 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.

The court also **FINDS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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.

Order Appointing Receiver approved by the Supreme Court of Texas in Misc. Dkt. No. 22-9031.

**Receiver's Information:**

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

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

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

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

State Bar No.: \_\_\_\_\_

**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 and Receiver provides Judgment Debtor with the Notice of Personal Property Rights approved by the Supreme Court of Texas. Receiver cannot reduce the total balance owed under the judgment without Judgment Creditor's authorization.

**Personal Property Rights 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 to the Receiver Judgment Debtor's nonexempt property within \_\_\_\_\_ days after receipt of this Order.

**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:** Receiver's fee is conditionally set at \_\_\_\_\_% of the funds collected during the receivership, subject to the Judgment Debtor's written agreement or later determination of reasonableness based on written agreement of the Judgment Debtor or proof of the work performed and the results obtained. 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's Oath:** Receiver must file an oath to perform their duties faithfully before acting under this Order.

**Receiver's Bond:**

- No bond required; or
- 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.

**Attorney's Fees:** Judgment Creditor's reasonable attorney's fees will be taxed as costs against Judgment Debtor.

**Receiver to Hold Property:** Receiver must not disburse funds to Judgment Creditor or sell property within 14 days after serving Judgment Debtor with the Notice of Protected Property Rights, the Instructions for Protected Property Claim Form, and the Protected Property Claim Form approved by the Supreme Court of Texas, or within 17 days if service was by mail. If 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