

Information for Defendants After Service

Eviction

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY TO HELP YOU IN DEFENDING AGAINST THIS LAWSUIT. BUT YOU ARE NOT REQUIRED TO EMPLOY AN ATTORNEY. YOU MAY FILE A WRITTEN ANSWER WITH THE COURT BEFORE YOUR SCHEDULED TRIAL.

1. The landlord may try to obtain immediate possession of the leased property by filing a bond for possession before the scheduled hearing occurs.
2. You may, but are not required to, file a written answer with the court on or before the day set for trial in the citation.
3. Notice of the hearing appears on the face of the Justice Court Eviction Citation.
4. **Requesting a Continuance** – If a continuance is requested, the continuance will only be granted for no more than seven (7) days total unless both parties agree in writing. **Do not contact the court by phone for a postponement. Request must be in writing.**
5. **On the day that you are scheduled to appear for your court setting, be prepared for trial. Bring all evidence and witnesses you will need to prove your case. Only the facts relevant to your case will be heard.**

RULES TO APPEAL AN EVICTION SUIT

APPEAL

WITHIN FIVE (5) DAYS, after judgment has been rendered, the party appealing (appellant) or his attorney must file with the court an appeal bond. The Justice Court Judge will set the amount of the bond or cash deposit to include the items enumerated in Rule 510.11. If the plaintiff in the case is the appellant, the same rules as above apply, however, the bond should be **double the amount of the costs incurred in the justice court and estimated costs in the county court**. When the bond has been filed and approved by the justice, the appeal shall be held to be perfected. **Within five (5) days following the filing of the appeal bond, the party appealing shall give notice of the appeal to all parties to the suit who has not filed such bond.**

The cost at the time of filing of the appeal fee is: \$64.00 to the Justice Court.

One month's rent by money order made payable to the Gregg County Clerk must also be presented within five (5) days.

When the bond has been filed and approved, the costs have been paid and all parties have been notified, the court clerk will prepare the transcript and send all instruments filed, judgment and bond together with costs to the county clerk.

Appeal Bond forms (i.e Surety Bonds, Cash Bonds, and Pauper's Affidavit) are provided by the Court. The Bonds can be accessed in the Court or online.

Legal Information vs Legal Advice

The Judge or Court Personnel cannot give Legal Advice. Below is information we can and cannot provide.

<u>We Can</u>		<u>We Cannot</u>	
	Explain and answer questions about how the court works.		Tell you whether or not you should bring your case to court.
	Provide the number of the local lawyer referral service, legal services program, Texas State Bar lawyer referral service, and other services where legal information is available		Tell you what words to use in your court papers. However, we will check your papers for completeness. For example, we check for signatures, notarization, correct county name, correct case number and presence of attachments.
	Give general information about court rules, procedure, and practices.		Recommend what to say in court.
	Provide court schedules and information on how to get a case scheduled.		Give an opinion about what will happen if you bring your case to court.
	Give you information from your case file.		Talk to the Judge for you or let you talk to the Judge in private.
	Give you samples of court forms that are available.		Change an order signed by a judge.
	Usually answer questions about court deadlines		Tell you what deadlines apply in your case.

**HONORABLE BRUCE DALME
JUSTICE OF THE PEACE, PCT #3**

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