

EVICTION APPEAL INFORMATION

**** ATTENTION: Neither the Court Nor its Personnel can give Legal Advice****

To **APPEAL**, you will have to file either:

1) An appeal bond (a promise from you and another person, called a surety, to pay the bond amount to the plaintiff if you don't pursue the appeal) in an amount set by the court;

2) A cash deposit in an amount set by the court, which may be awarded to the plaintiff if you don't pursue the appeal; or

3) A Statement of Inability to Afford Payment of Court Costs if you cannot afford an appeal bond or cash deposit.

In the appeal, the tenant appealing must also affirm under penalty of perjury that they have a good faith belief that they have a meritorious defense and that the appeal is not for the purpose of delay. If you appeal with an appeal bond or a cash deposit, you must pay a filing fee of \$54 or file a Statement of Inability to Afford Payment of Court Costs. You must also send notice of the appeal to the plaintiff within five days of filing it with the court.

You will also be ordered to pay one month's rent to the court within 5 days. You will continue to pay rent into the court registry as rent becomes due while your appeal is pending. Once the appeal is transferred to county court, if rent becomes due again while the case is still pending, you are responsible for paying that rent into the county court registry. If at any time you fail to meet these obligations to pay rent into the court registry, your appeal will still be heard by the county court, but the plaintiff can have you removed from the property immediately, or at any time before your case can be heard by the county court. If that happens, and then the county court rules in your favor, you will be placed back in possession of the premises.

Once your appeal is filed with the county court, unless you appealed with a Statement of Inability, you will be instructed to pay a separate filing fee or file a Statement of Inability to Afford Payment of Court Costs with the county court within 7 days. If you do not, your appeal will be dismissed, and the plaintiff can begin the process of having you and your property removed from the property.

What If I Don't File an Appeal?

If you do not appeal within the 5-day time period, and don't leave the property, the plaintiff can come to the court and get a writ of possession, which is an order for you and your property to be removed from the premises. If a writ is issued, a 24-hour notice will be posted on the door, and if the property isn't vacated in that 24-hour period, the constable will come out and supervise the removal of you and your property.

Where you can look up laws of Texas:

Texas Property Code, Chapter 24 <https://www.statutes.legis.state.tx.us>

Texas Rules of Civil Procedure, Forcible Entry and Detainer (Eviction)

www.supreme.courts.state.tx.us/rules/trcphome.asp