

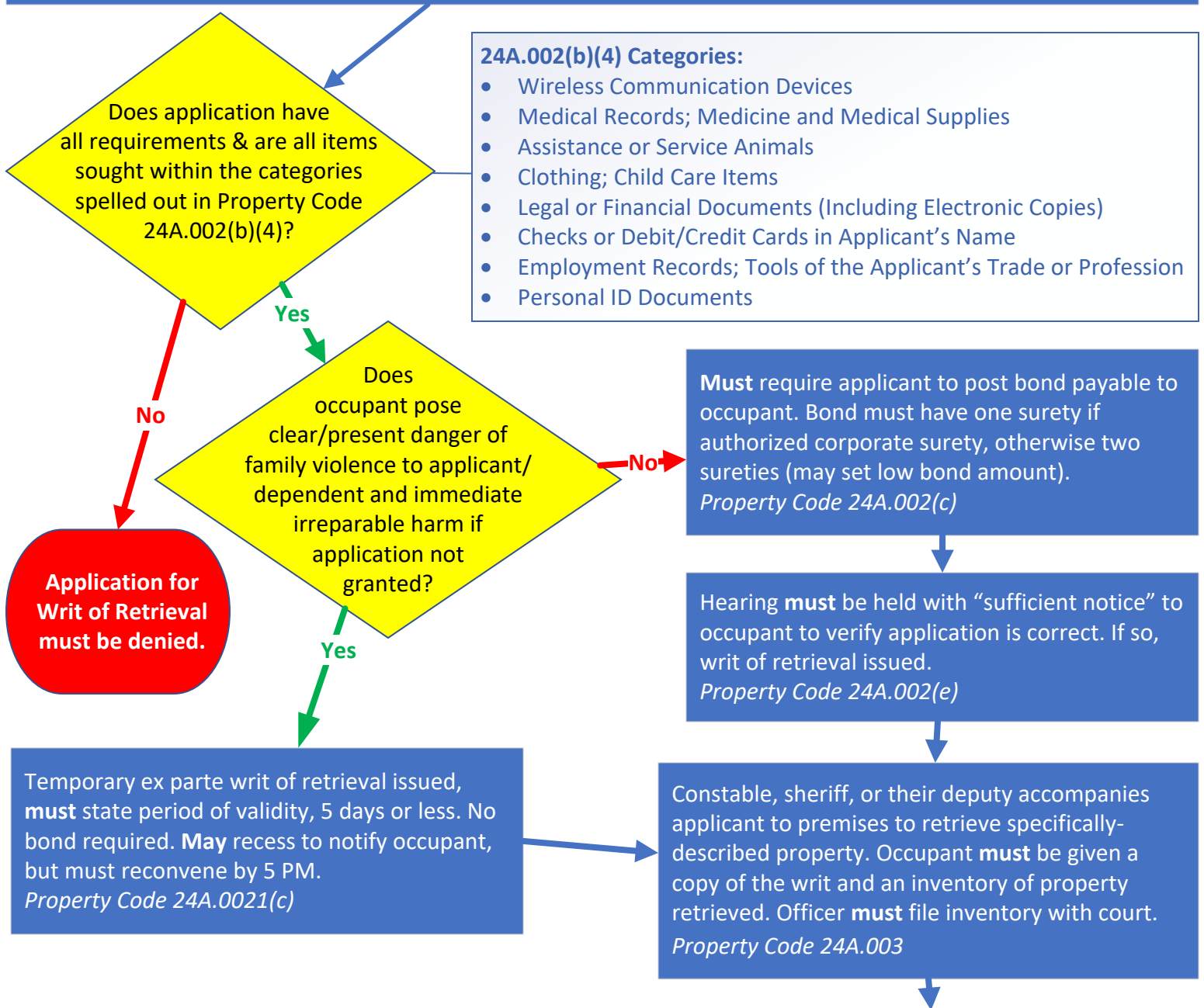
# Writ of Retrieval Flowchart

Application filed with filing fee or  
Statement of Inability.

## Application must:

- Certify that applicant is excluded from the premises by occupant;
- Certify applicant is not subject to an order preventing them from entering premises;
- Allege that applicant or dependents require personal items that are in the premises;
- Describe the specific items to be recovered;
- Certify that the property being sought is not subject to a divorce or annulment case/decreed/order;
- Allege personal harm to applicant or dependent if the property is not recovered promptly; **and**
- Include a lease or other evidence that applicant is/was authorized to use the premises as residence.

*Property Code 24A.002(b)*



### 24A.002(b)(4) Categories:

- Wireless Communication Devices
- Medical Records; Medicine and Medical Supplies
- Assistance or Service Animals
- Clothing; Child Care Items
- Legal or Financial Documents (Including Electronic Copies)
- Checks or Debit/Credit Cards in Applicant's Name
- Employment Records; Tools of the Applicant's Trade or Profession
- Personal ID Documents

**Must** require applicant to post bond payable to occupant. Bond must have one surety if authorized corporate surety, otherwise two sureties (may set low bond amount).  
*Property Code 24A.002(c)*

Hearing **must** be held with "sufficient notice" to occupant to verify application is correct. If so, writ of retrieval issued.  
*Property Code 24A.002(e)*

Temporary ex parte writ of retrieval issued, **must** state period of validity, 5 days or less. No bond required. **May** recess to notify occupant, but must reconvene by 5 PM.  
*Property Code 24A.0021(c)*

Constable, sheriff, or their deputy accompanies applicant to premises to retrieve specifically-described property. Occupant **must** be given a copy of the writ and an inventory of property retrieved. Officer **must** file inventory with court.  
*Property Code 24A.003*

The occupant may file a complaint in the court that issued the writ, within **10 days** of the retrieval, alleging that the applicant took property belonging to the occupant or their dependent. The court **must** promptly hold a hearing and rule on the disposition of the disputed property.

*Property Code 24A.006.*