

# Introduction To Executions

## Part 2

Thomas Sanders  
Tarrant County, Precinct 1

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Carlos B. Lopez, Constable  
Travis County Constable Precinct 5  
Austin, Texas 78701  
07/28/2019

Attention: MATTHEW MARTINEZ

Case Number: 2010011  
Court: Justice C.J.P. 3  
Plaintiff: ASSET ACQUISITION GROUP, LLC  
Respondent: MATTHEW MARTINEZ

You are notified to call (512)854-9707 to discuss payment in the above referenced Execution of Judgment or to point out specific property, real or personal, which this office is to levy upon. This written notice is delivered as an explanation of fees due, and as a courtesy with the intention of saving you additional costs.

NOTICE: Demand is hereby made for immediate payment of the amount due as of this date as listed below. Interest accrues at the daily rate shown and will be added at time of payment. Payment may be made in cash or certified funds, payable to Constable Carlos B. Lopez. The Office of the Constable will proceed to collect judgment by levying on any non-exempt property as defined in the Texas Process Server's Rules unless we hear from you concerning the immediate payment or specific property you wish the office to levy upon.

Sincerely,

SR. DEPUTY JULIEN SMITH, Deputy Constable

Judgment date: 02/20/2009	WRIT OF EXECUTION ISSUE DATE: DECEMBER 31, 2018
Judgment amount: \$3,829.17	
Interest rate: 0.0900	NOTE: Interest is accrued daily; therefore, please call
Daily rate: \$0.88	SR. Deputy Smith at (512) 854-5100 ext 33415 to get
Total days: 3609	the current amount due.
Total interest: \$0.89	
Total interest: \$2,374.05	
Additional interest: \$0.00	
Default rate (Adm Int): \$0.00	
Court costs: \$312.00	
Attorney fee: \$0.00	
Constat fee: \$0.00	
Subtotal: \$6,515.22	
Commission: \$951.62	
Amount due: \$7,166.74	

## Get Ready To Make Your Demand

- Preparing to make demand
  - Get you facts and figures in order
- Demand letter or statement
  - Prepare a document to give to the judgment debtor in language they can understand
- Not all demand letters contain the same information

Travis County Courthouse • 1000 Guadalupe Street, Austin Texas 78701  
(512)854-9700 • Fax (512)854-4220 • [www Constab5.com](http://www Constab5.com)

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## Suggested Contents of Letter

- Notice to debtor that payments should be made through your office.
- Judgment (Principle)
- Interest – Post and Prejudgment
- Attorney Fees and Interest if awarded
- Court Costs
- Other Costs of Execution
  - Publication
  - Storage fees
  - Towing
  - Additional Deputy time



Execution Collection Worksheet  
Travis County Constable Precinct 5  
Austin, Texas 78701  
January 09, 2019

Case Number: C1CV07008983-1  
Court: County Court 2  
Plaintiff: CACV OF COLORADO, LLC  
Respondent: JUAN O OLGUIN

Payment/Calculation date: 01/09/2019  
Judgment date: 02/12/2008  
Judgment amount: \$12,145.00

Interest: \$0.0000  
Days: 3,617.70  
Total days: 3,617  
Total years: 9.89  
Total interest: \$7,534.43  
Additional interest: \$0.00  
Daily Rate (Add.int): 0.00

Court costs: \$449.00  
Attorney fee: \$3,500.00  
Constable fee: \$0.00  
Subtotal: \$ 23,627.41  
Commission: \$2,145.10  
Amount due: \$25,772.51

WRIT OF EXECUTION  
ISSUE DATE: JANUARY 7, 2019

NOTE: Interest is accrued daily; therefore, please call Deputy Eller at (512) 854-9100 ext. 33087 to get the current amount due.

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## What You Are Required To Do

- **Make demand, collect payment and/or levy on non-exempt property**
  - Determine if there is any property which is non-exempt within your county **and** take it.
  - Refer to Texas Property Code sec. 41.001 through 42.004 to determine what is considered exempt property

If still in doubt:

- Contact the plaintiff or plaintiff's attorney for direction  
No better protection than due diligence and guidance in writing telling you to levy or not levy on certain property
- Contact your District or County Attorney for advisement

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## Customer Service

- Constable's Offices serving process are in a customer driven business like the private sector
- Paid to provide a service (delivery of court process and provide the return to court)
  - Paid by budget from your County Commissioners
- or**
- Paid by private entity for your service
  - Plaintiff
  - AG's offices
  - Lien holders
  - Attorneys
  - Process servicers
  - Other judgment creditors

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## What You May Do

As part of due diligence, you may:

- (1) search for property belonging to the judgment debtor within your county;
- (2) determine whether property actually belongs to a judgment debtor;
- (3) determine whether property belonging to the judgment debtor is exempt property that is not subject to levy;
- (4) stay connected with your customer: **Communication** is key, update them often by phone or email.

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## How To Make Your Demand 1

- Make Contact with defendant
  - Deliver the demand
    - Does the demand have to be hand delivered?
    - Make sure they understand it
    - Ask questions...do you own real property? a boat? an RV?
- Explain defendant's consequences of failing to comply or interference when you are levying
  - Contempt of Court?
  - Texas Penal Code - 38.15 Interference with Public Duties
  - Hiding assets? Transferring ownership after judgment?



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## How To Make Your Demand 2

- Initial visual search for personal property
  - Look around at the demand site or other location where a debtor's property may be found
    - Is any personal property located likely to belong to defendant?
    - Can any property located be moved or hidden before you return?
    - Is there access to the property?

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## Personal Property Exemption

Texas Property Code Section 42.001(a)

For a Family:

\$100,000

For a Single Adult:

\$50,000

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## DESIGNATION OF EXEMPT PROPERTY

Texas Property Code Section 42.003(a)

- If the **number** or **amount** of a type of **personal property** owned by a debtor exceeds the exemption allowed...the officer making the levy shall ask the debtor to designate the non-exempt property... if the debtor fails to make a designation, the officer shall make the designation.
- If the debtor cannot be found in the county or the debtor fails to make a designation within a reasonable time after the officer's request, the officer shall make the designation.

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## What Is Exempt Property?

**Sec. 42.002. Personal Property.** (a) The following personal property is exempt under Section 42.001(a):

- (1) home furnishings, including family heirlooms;
- (2) provisions for consumption;
- (3) farming or ranching vehicles and implements;
- (4) tools, equipment, books, and apparatus, including boats and motor vehicles used in a trade or profession;
- (5) wearing apparel;
- (6) jewelry not to exceed 25 percent of the aggregate limitations prescribed by Section 42.001(a);
- (7) two firearms;

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- (8) athletic and sporting equipment, including bicycles;
- (9) a two-wheeled, three-wheeled, or four-wheeled motor vehicle for each member of a family or single adult who holds a driver's license or who does not hold a driver's license but who relies on another person to operate the vehicle for the benefit of the non-licensed person;
- (10) the following animals and forage on hand for their consumption:
  - (A) two horses, mules, or donkeys and a saddle, blanket, and bridle for each;
  - (B) 12 head of cattle;
  - (C) 60 head of other types of livestock; and
  - (D) 120 fowl; and
- (11) household pets.

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# Other Exemptions

- Homestead
- Retirement plans: 401k, pension plans, ROTH, annuities, etc.
- Education savings: 529 plans and pre-paid tuition
- Life insurance proceeds
- Personal income and accounts (unless a tax debt or Child support related)
- Personal property up to \$50,000 for individuals and \$100,000 for married couples

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## With The Exception Of ?

- Child Support Lien
  - Texas Property Code Section 42.005

Sections 42.001, 42.002 & 42.0021

(real property, personal property, retirement plans) of this code **do not apply to a child support lien.**

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## Knowledge Check:

Kenny has a judgment against him for \$88,236.17. You have received an execution to levy on his non-exempt property. When you make demand, he says he cannot pay anything. He works as an auto body specialist for a local company. You see a couple large MATCO tool chest in his garage you know to be worth a lot of money. He says he also does some side work fixing peoples cars at home.

Can you levy on the tools?

1. Yes
2. No
3. Maybe

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## Knowledge Check 2:

Same scenario as above **but** the execution is based on the defendant's child support lien through a private judicial agreement not enforced by the Child Support division of the Texas Attorney General.

Does anything change?

- Yes
- No

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## How to Levy... Personal Property

### **Texas Rules of Civil Procedure Rule 639**

Levy on personal property is made by taking physical possession thereof.

➤ **If you find non-exempt property that is moveable—Take it!**

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## How To Levy...

What are the restrictions and limitations you have in executing a writ?

- Peaceful Entry/Forcible Exit
- Use of force issues when executing writs

It is important to understand that there are limitations in executing Civil Process relative to seizure of property. There are no provisions in the Civil Rules or statutes to allow the use of force when levying property under a writ of execution.

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## How to Levy... Real Property

- Real property is levied when you say it is levied
  - In order to make a levy on real estate, it shall not be necessary for the officer to go upon the ground, but it shall be sufficient for him to endorse such levy on the writ. **TRCP Rule 639**
- Not a homestead as defined in TRCP 41.001 & 41.002
- Non-exempt property
  - Rental property
  - Urban or rural property in excess of exempt amounts allowed in statutes
  - Common property?

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## Community Property Texas Family Code Chapter 3

**Sec. 3.001. Separate Property.** A spouse's separate property consists of:

- (1) the property owned or claimed by the spouse before marriage;
- (2) the property acquired by the spouse during marriage by gift, devise, or descent; and
- (3) the recovery for personal injuries sustained by the spouse during marriage, except any recovery for loss of earning capacity during marriage.

**Sec. 3.002. Community Property.** Community property consists of the property, other than separate property, acquired by either spouse during marriage.

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## Marital Property Liability

### Texas Family Code Chapter 3

**Sec. 3.202.** (a) A spouse's separate property is not subject to liabilities of the other spouse unless both spouses are liable by other rules of law.

(b) Unless both spouses are personally liable as provided by this subchapter, the community property subject to a spouse's sole management, control, and disposition is not subject to:

- (1) any liabilities that the other spouse incurred before marriage; or
- (2) any nontortious liabilities that the other spouse incurs during marriage.

(c) The community property subject to a spouse's sole or joint management, control, and disposition is subject to the liabilities incurred by the spouse before or during marriage.

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## Common Law Marriage

- Same community property rules apply if party established common law marriage
- How to prove common law marriage is found in Texas Family Law Code Section 2.401
- If debtor wants to fight levy, they can file the Protected Property Claim Form and have the court decide

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## What If It Has A Lien?

(b) Personal property, unless precluded from being encumbered by other law, may be encumbered by a security interest under Subchapter B, Chapter 9, Business & Commerce Code, or Subchapter F, Chapter 501, Transportation Code, or by a lien fixed by other law, and the security interest or lien may not be avoided on the ground that the property is exempt under this chapter.

Take the property if directed by the plaintiff or plaintiff's attorney **in writing** even if you suspect it may be exempt.

All lien holders must be notified of the levy and may exert their lien on the buyer of the property.

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## Always Think:

### TCPRC 7.003 Good Faith

(c) An officer is not liable for damages resulting from the execution of a writ issued by a court of this state if the officer:

- (1) in **good faith** executes the write as provided by law and by the TRCP; and
- (2) uses **reasonable diligence** in performing the officer's official duties.

### Good Faith

- reasonably prudent officer,
- under the same or similar circumstances,
- could have believed that the officer's conduct was justified based on the information the officer possessed when the conduct occurred.

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➤Where do you search for the property?

- **The plaintiff/attorney is responsible to provide information on where the debtor's property may be located.** Texas Civil Practices and Remedies Code Sec. 34.071
- No legal duty to conduct search but may do so to enhance customer service experience

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## Resources For Locating Assets

- Debtor
- Plaintiff's Attorney
- Plaintiff
- Court Documents
- Appraisal District
- County/District Clerk records
- Internet search (Google, Facebook, name search engines, etc.)

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## Officer Safety – Prior To Levy

- **Obtain Personal Information on defendant.**

- Plaintiff Should have some information about defendant.
- Criminal History of defendants;
- Local Incident / Offense Reports for defendant and physical location of writ.
- S.A.R.S. Reporting System if available

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Officer Safety  
concerns

### **Safety Issues with Individuals**

- Not familiar with Judgment Enforcement Orders and Due process of Law
- Depriving Defendants of Property Possession and Ownership normally protected by the 4<sup>th</sup> Amendment.
- May feel threatened, intimidated, or believe they are being singled out
- May respond or react in a Hostile Manner

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## Officer Safety - During Levy

- **Use Contact and Cover Principle**

- Contact Officer to handle details of the Writ and Levy.
- Cover Officer to Ensure Officer Safety and maintain overall scene control / integrity.
- **Cover Officer should not be assigned video or other duties.**
- Additional officers when necessary.

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## What You Are Required To Do 2

- **Conduct a sale of levied property**

- Safe and secure storage of levied property
  - ❖ You are responsible for secure storage

- **Disburse monies collected in a timely manner**

could be either levied funds or proceeds of a sale or both

- **Provide a return to the court**

Fill out a return that tells the story  
be thorough in explaining where the money went

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## Sale of Personal Property

Texas Rules of Civil Procedure Rule 649

Personal property levied on under execution shall be offered for sale on the premises:

- where it is taken in execution,
- or at the courthouse door of the county
- or at some other place if, owing to the nature of the property, it is more convenient to exhibit it to purchasers at such place.

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## Sale Of Real Property

Texas Rules Of Civil Procedure Rule 646a

Real property taken by virtue of any execution **shall be sold**:

- At public auction
- At the courthouse door of the county (or other location designated by the County Commissioners Court) unless the court orders that such sale be at the place where the real property is situated
- On the 1<sup>st</sup> Tuesday of the month, between the hours of 10:00AM - 4:00PM

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# Stop Immediately!

- TRO- Temporary Restraining Order
- Exempt Property Hearing under Rule 679b
- Bankruptcy (must provide proof of filing)
- Notice of Appeal (with an appeal bond & direction from the issuing court to cease and desist)

**Or**

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# Stop immediately 2!

## Supersedes Bond

- Black's Law Dictionary
  - A writ or bond that suspends a judgment creditor's power to levy execution. (usually pending appeal.)
- TRCP Rule 634 Execution Superseded

The clerk or justice of the peace shall immediately issue a writ of supersedeas suspending all further proceedings under any execution previously issued when a supersedeas bond is afterward filed and approved within the time prescribed by law or these rules.

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# Out Of Time To Sell?

## **Venditioni Exponas**

- Legal definition: A court order arising from a motion filed by the plaintiff or his attorney; Ordering that property taken in execution that remains unsold be "exposed to sale".

## **Texas Law "definition"**

- Referenced in TRCP Rule 647, yet it is not defined in the Rules, nor is it defined in any statute.
- A Writ of Venditioni Exponas is used to extend the life of a writ of execution when the property has been seized and the writ under which it was seized will expire before the property can be sold. Regardless of the efforts of the officer and the plaintiff, real or personal property levied on cannot be sold before the writ expires, i.e. discovery of errors in publication, delay in seizure of property due to acts of the defendant, etc..
- The writ has been used per case law to extend the life of a writ of execution on personal property as well. *Warnock v. Marin*, 93 S.W.2d 793 (Tex. App. –El Paso, 1936, no writ).

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## **Officer's Return**

### Texas Rules Of Civil Procedure Rule 654

TRAVIS COUNTY OFFICER'S RETURN – CAUSE # GN402944

CAME TO HAND DECEMBER 13, 2004 @ 10:33 A.M.

EXECUTED BY MAKING DEMAND ON THE DEFENDANT, YC GROUP, INC., DOING BUSINESS AS PACIFIC BLUE, ALSO KNOWN AS PACIFIC BLUE PANASIAN BISTRO & BAR AND YOUNGCHUL "ALEX" CHON, AS GUARANTOR @ 12196 N. MOPAC AUSTIN, TEXAS 78758 BY LEVYING ON PERSONAL PROPERTY OWNED BY THE DEFENDANTS (SEE ATTACHED INVENTORY LISTING). THE DEFENDANT FILED A BANKRUPTCY IN U.S. BANKRUPTCY CASE NUMBER 05-10335 (YOUNGCHUL CHON) AND 05-103349YC GROUP, INC.). ON JANUARY 25, 2005 ATTORNEY MARY DALE FOR THE PLAINTIFF NOTIFIED THIS OFFICE TO KEEP LOCKS ON THE PROPERTY TO SECURE THE ITEMS FOR THE BANKRUPTCY TRUSTEE TO TAKE POSSESSION. ON MARCH 9, 2005 BANKRUPTCY JUDGE FRANK MONROE GRANTED A MOTION LIFTING THE AUTOMATIC STAY ALLOWING THE RELEASE OF THE PROPERTY LEVIED TO BIG AUSTIN (THIRD PARTY CREDITOR). ON APRIL 25, 2005 ATTORNEY RANDALL CARR NOTIFIED THIS OFFICE THAT HIS CLIENT, BIG AUSTIN, DECLINED TO TAKE CUSTODY OF THE PROPERTY DUE TO AN OUTSTANDING TRAVIS COUNTY PROPERTY TAX LIEN. A TAX WARRANT WAS ISSUED ON MAY 25, 2005 BUT NO HOLD ON THE PROPERTY WAS ENFORCED BY TRAVIS COUNTY. THE PARTIES INVOLVED WERE NOTIFIED THAT ALL HOLDS PURSUANT TO THE ORIGINAL WRIT WERE RELEASED. THE PROPERTY WAS RETURNED TO THE DEFENDANT ON JUNE 15, 2005 VIA FAX TO THE DEFENDANT, PLAINTIFF AND BIG AUSTIN (THIRD PARTY) AND ALL LOCKS WERE REMOVED FROM THE STORAGE UNITS.

THIS WRIT IS RETURNED TO COURT, ON THIS MONDAY, JANUARY 23, 2023.

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ALAN J. REDD  
SENIOR DEPUTY CONSTABLE  
TRAVIS COUNTY – PRECINCT 5

- The levying officer shall make due return of the execution, in writing and signed by him officially, stating concisely what such officer has done in pursuance of the requirements of the writ and of the law. The return shall be filed with the clerk of the court or the justice of the peace, as the case may be. The execution shall be returned forthwith if satisfied by the collection of the money or if ordered by the plaintiff or his attorney indorsed there on.

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## Officer's Return 2

### Texas Rules Of Civil Procedure Rule 654

- The levying officer shall make due return of the execution, in writing and signed by him officially, stating concisely what such officer has done in pursuance of the requirements of the writ and of the law. The return shall be filed with the clerk of the court or the justice of the peace, as the case may be. The execution shall be returned forthwith if satisfied by the collection of the money or if ordered by the plaintiff or his attorney indorsed there on.

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## Officer's Return 3

- It shall be returned forthwith if satisfied by the collection of the money
- upon expiration (even if nothing has been collected)
- **or if ordered by the plaintiff**

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# Officer's Return 4

- Be thorough in your return to court
- Tell the story of what actions were taken
- Describe what property was levied, if any
- Were any monies collected
- Explain how you sold property or distributed the money
- Don't leave room for the court or anyone else to need to ask questions

TRAVIS COUNTY OFFICER'S RETURN – CAUSE # GN402944

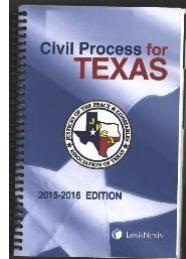
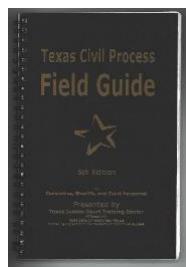
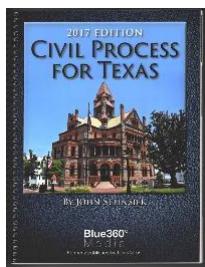
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THIS WRIT IS RETURNED TO COURT, ON THIS WEDNESDAY, JANUARY 09, 2019.

ALAN J. REDD  
SENIOR DEPUTY CONSTABLE  
TRAVIS COUNTY – PRECINCT 5

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Not sure?  
Use Your Resources

- [www.TJCTC.org](http://www.TJCTC.org) - Constable Resources
- Civil Process Field Guides and other handbooks
- How to locate statutes (TRCP, Property Code, TRC, etc..)
  - <https://statutes.capitol.texas.gov/>
- Additional resources (Co. Attorney, phone a friend, etc)

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# Liability

## ***USC Title 42, Section 1983***

- Permits civil liability for
  - Both The Agency
  - And The Officer
  - These suits have greatly increased in recent years.

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# Officer's Liability

**Executions are the most likely reason a Constable office is subject to a lawsuit**

- Liability exists at all levels in execution enforcement:
  - **Failure to levy**
  - **Improper levy**
  - **Excessive levy**
  - **Improper sale or transfer of property**
  - **Failure to distribute proceeds correctly**
  - **Other ?**

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# A Tricky Execution to Review

- Original Execution:
  - Review and review again
  - Write down figures and necessary info
  - Create a demand document

FIRST EXECUTION

Exec. Doc. CV19 Page 27  
Cause No. D-14-16-00549

THE STATE OF TEXAS  
County of Travis

To the Sheriff or any Constable of any County of the State of Texas - GREETING:

WHEREAS, on NOVEMBER 21, 2016, as Final Judgment was rendered in the District Court of the **20TH JUDICIAL DISTRICT COURT**, in and for Travis County, in Cause No. D-14-16-00549. IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

DEFENDANT, LAMAR GATEWAY BASELINE HOLDINGS, LLC shall recover PLAINTIFFS, LES BERGQUIST and AUSTIN MAC REPAIR, LLC, Baseline shall have and recover from Plaintiff, jointly and severally, Baseline's expert consultation fee in the amount of \$10,250.00. Baseline shall have and recover from Plaintiff the reasonable and necessary expenses for the preparation of the defense in the amount of \$1,500.00. All out of court spent or incurred in this cause are adjusted against Plaintiff, jointly and severally. Baseline shall have and recover from Plaintiff the amount of \$6,276.00 plus \$2. Plaintiff are awarded the sum of \$12,823.00, representing the attorney's fees and expert and consulting fees, and costs awarded to Plaintiff. As a result, Baseline shall have and recover from Plaintiff the amount of \$12,823.00, plus \$1,000.00, or \$13,823.00. THOUSAND, ONE HUNDRED ELEVEN AND **00/100** (\$13,823.11) DOLLARS, which reflects this offset. Baseline shall receive the amount of \$12,823.00. The judgment of the judgment rendered at the rate of eight percent (8%) from the date of judgment and the judgment is paid in full.

WHEREFORE, YOU ARE HEREBY COMMANDED to proceed without delay to levy upon property of PLAINTIFFS, LES BERGQUIST and AUSTIN MAC REPAIR, LLC found within your county not exempt from execution and sell same according to law in satisfaction of said judgment, less any credits that hereinafter may be set out.

HEREIN FAIL NOT, but make due return of this execution to said District Court within 20 days from the 12TH day of FEBRUARY, 2019, with your return etherton endorsed showing how you have executed the same.

WITNESS, VELVA L. PRICE, Clerk of the District Courts of Travis County, Texas  
Given under my hand and seal of office at Austin, Texas on the 12TH day of FEBRUARY, 2019.

REQUESTED BY:  
VELVA L. PRICE, CLERK  
1415 W. CORYELL STREET A  
AUSTIN, TX 78703  
BUSINESS PHONE: (512)477-5291 FAX: (512) 477-5294

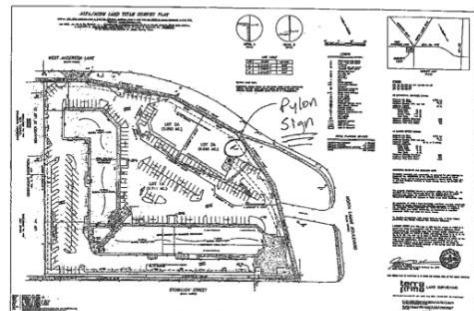
  
Velva L. Price  
Travis County District Clerk  
1415 W. Coryell Street  
1000 Guadalupe, P.O. Box 570003 (78767)  
Austin, TX 78701

PREPARED BY: CARRIES ESTATEPLANNERS

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Plaintiff/Attorney points out real property to levy

- Prepare Notice of Sale
- Follow additional statutory requirements
  - Publish
  - Mail
  - Post



**Exhibit A**

## Pad Sites

Lot 2A and Lot 3A of AMENDED PLAT OF PORTIONS OF LOTS 19-24 & 35-40, BLOCK D, NORTH GATE ADDITION, a subdivision in Travis County, Texas, according to the map or plat recorded under Document Number 200900098, in the Official Public Records of Travis County, Texas.

WRIT OF SUPERSEDIAS  
THE STATE OF TEXAS  
CAUSE NO. D-1-GN-16-005498

TO: TRAVIS COUNTY CONSTABLE

WHEREAS, NOVEMBER 21, 2018, in the 250TH JUDICIAL DISTRICT COURT of Travis County, Texas, in Cause No. D-1-GN-16-005498 styled LES BERGQUIST AND AUSTIN MAC REPAIR, LLC, AS SUCCESSOR - IN INTEREST - TO GATEWAY BACKLINE HOLDINGS, LLC, VERSUS STATION REALTY PARTNERS - AUSTIN, L.P. AND LANE GATEWAY BACKLINE HOLDINGS, LLC, BACKLINE INVESTMENTS, LLC, THE DOWNTOWN LANE GATEWAY BACKLINE INVESTMENTS, LLC, recovered judgment against PLAINTIFF, LES BERGQUIST AND AUSTIN MAC REPAIR, LLC consultant fees in the amount of \$10,325.00; BACKLINE shall have and recover from Plaintiffs its reasonable attorney fees in the amount of \$2,000.00 plus \$20.00. All costs of court spent or incurred in this cause are adjudged against Plaintiffs, jointly and severally. Baseline shall recover from Plaintiffs the following costs of the court: \$6,229.60 plus \$8.00. Baseline shall recover from Plaintiff the amount of TWENTY HUNDRED FIFTY-THREE THOUSAND, ONE HUNDRED ELEVEN AND 67/100 (\$253,111.67) Dollars.

By virtue of a Writ of Execution issued February 12, 2019, in cause number D-1-GN-16-005498 of Travis County, Texas, styled GATEWAY BACKLINE HOLDINGS, LLC VERSUS LES BERGQUIST AND AUSTIN MAC REPAIR, LLC, ON JUDGMENT RENDERED AGAINST LES BERGQUIST AND AUSTIN MAC REPAIR, LLC, Lot 2A and Lot 3A of AMENDED PLAT OF PORTIONS OF LOTS 19-24 & 35-40, BLOCK D, NORTH GATE ADDITION, a subdivision in Travis County, Texas, according to the map or plat recorded under Document Number 200500098 in the Official Public Records of Travis County, Texas.

And Whereas, on FEBRUARY 27, 2019, Notice of Sale of Real Property was issued out of Travis County Constable 5.

And, Whereas, on MARCH 25, 2019, a Supersedeas Bond in the sum of \$17,879.00 Dollars superseding said Judgment as provided by law was approved and filed.

Now, therefore, this is to command you, TRAVIS COUNTY CONSTABLE 5, desist from further proceedings under and by virtue of said Writ of Execution, and that you return the same forthwith.

Witness, VELVA L. PRICE, Clerk of the District Court of Travis County, Texas. Issued and given under my hand and seal of said court at office in the City of Austin, March 27, 2019.



Velva L. Price  
Travis County Clerk  
Travis County Courthouse  
1000 Guadalupe, P.O. Box 676003 (78757)  
Austin, TX 78701

PREPARED BY: DANIEL SMITH

--- RETURN ---  
Came to hand this the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M. Executed at  
\_\_\_\_\_ within County of \_\_\_\_\_ at  
\_\_\_\_\_ o'clock \_\_\_\_\_.M. on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering to the within  
named \_\_\_\_\_  
To certify which witness my hand officially :  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D-1-GN-16-005498

SERVICE FEE NOT PAID

P43 - 000000008

But What  
If You  
Get...

- What now?

45

## Scenarios from You!

What executions have you served  
that are less common or involved a  
unique situation?

46

**Be Proud**

**Be Safe**

47

**Questions?  
Thank you!!!**

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