

# Post-Judgment Tricky Issues

## Small Claim & Debt Claim

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Where do you look when you need help figuring out a civil case issue?

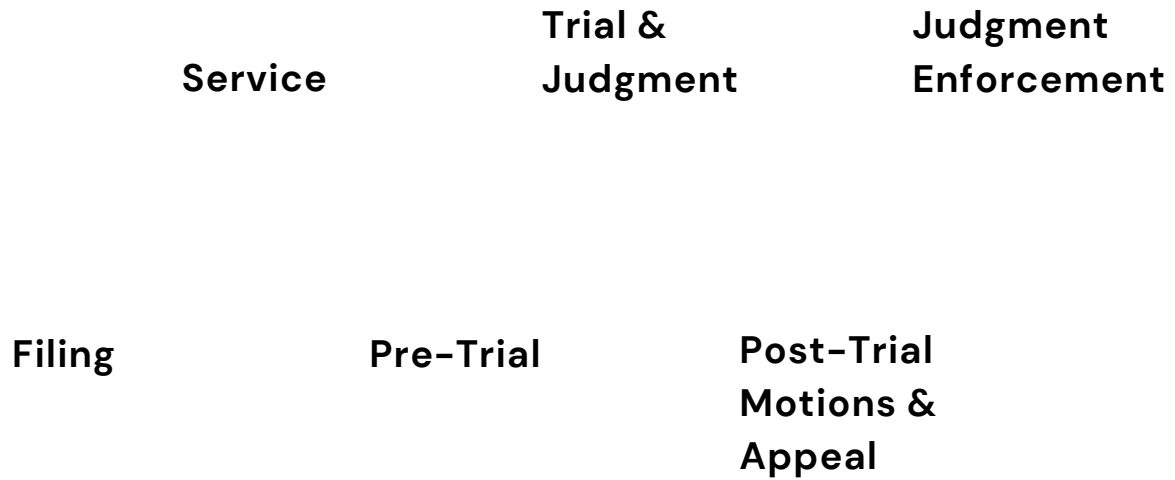
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## Resources

- Civil Deskbook
- Legal Board
- Civil Practice & Remedies Code
- Rules of Civil Procedure
- Forms
- Internet – State Law Library, TexasLawHelp, Google?

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## Life of a Civil Case



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**When we say "*Post-Judgment Motions*" and "*Enforcement of Judgments*" what do we mean?**

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# Post-Judgment Motions and Errors

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## Scenario 1

Your judge grants a default judgment on a debt claim in court. When you go to your desk to type up the judgment, you notice that the file shows no notice was given to the defendant.

*What should you do?*

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**Scenario 2**

Your court issues a judgment. A motion for new trial is filed. A few days later the party comes in with an *amended motion for new trial*.

*Do you charge a second filing fee?  
Do you have any other questions?*

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**Scenario 3****Docket Notes:**

1/9/2024 – Default Entered

2/8/24 – Motion for New Trial

2/15/24 – New Trial Denied

2/16/24 – Request for Abstract

*Can you enter the abstract?  
Any other issues you are worried about?*

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**Scenario 4**

Post-Answer default issued. 30 days later, Defendant files a Motion for New Trial claiming she never received a hearing notice. You check your system, and the case doesn't show a hearing notice was added to the file.

*What do you do?*

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**Scenario 4.1**

Post-Answer default issued. 30 days later, Defendant files a Motion for New Trial claiming she never received a hearing notice. You check your system, and the case shows a hearing notice was generated.

*What do you do?*

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**Scenario 5** Judgment was issued 1/30/2022.  
Today you receive a Bill of Review.

*How do you proceed?*

*What if there are two defendants  
and the BOR is only file by 1?*

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**Scenario 5.1** At the Bill of Review hearing, the  
judge determines that the defendant  
was never given notice of the  
lawsuit.

*What are the next steps?*

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**Quick  
Response 1**

What are the filing fees for the following?

- Motion for New Trial
- Motion to Reinstate
- Motion to Set-Aside
- Bill of Review
- Appeal

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**Quick  
Response 2**

What do you send the county court when a civil case is appealed?

Do you collect a fee for appeal?

Can the case get sent back from the county court?

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# Enforcement of Judgments

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**Scenario 6** Judge hears a contract case and rules for the Defendant, because he thinks that contracts must be in writing. A week later he goes to school and realizes the oral contract was okay.

*Can he change the judgment?*

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**Scenario 7** Your court issued a judgment on 5/20/2020. A writ of execution was issued 5/15/2021. A writ of garnishment was issued 7/20/2021. You receive an Application for Writ of Execution today.

*What do you do?*

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**Scenario 8** **Docket Entries**  
8/30/2023 – Application for Receiver  
9/5/2023 – Receiver Appointed & Bond Posted  
10/23/2023 – Receiver’s Application and Motion to Disburse Funds  
10/25/2023 – Order Disbursing Funds  
**10/30/2023 – Protected Property Claim Form Filed**

*Is it too late??*

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**Scenario 9**

Your court granted a receivership, and it expires in 180 days. On Day 45, you receive a document titled ***“Receiver’s Notice of Agreement and Administrative Closure Due to Payment Plan.”***

*What should the court do?*

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**Scenario 9**

Your court issued a judgment on 2/15/2013. Today your court receives a request for writ of scire facias.

*How do you process the request?*

*Should the court issue the writ?*

*Do you know where you can find more info in the Deskbook?*

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**Scenario 10** An SRL Plaintiff comes to your window to request a writ of execution from you. He tells you that the Defendant that owes him a judgment is in Louisiana and wants the writ sent to a constable in Louisiana.

*What do you do?*

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**THANK YOU**

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