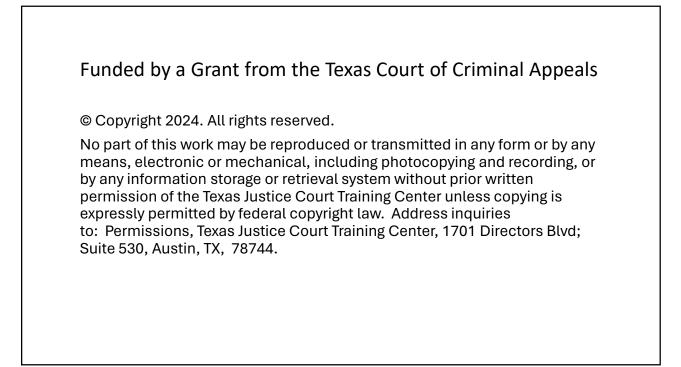
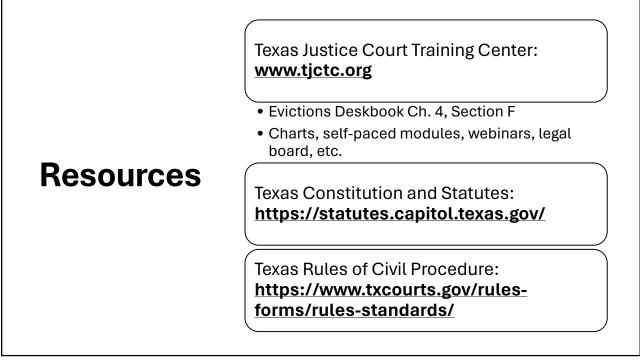
Eviction Appeal Scenarios

Hon. Mandy Hays Justice of the Peace, Wise County Pct. 3

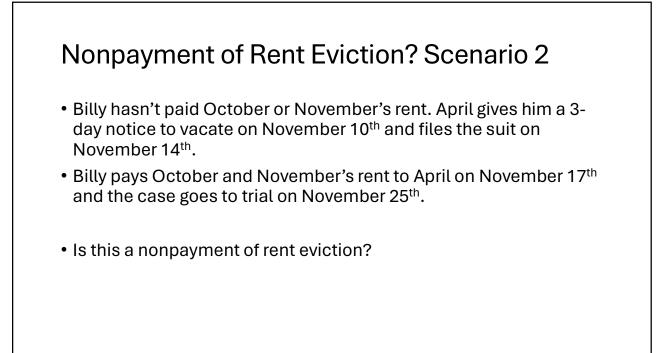


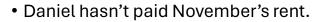


Step 1 – Is This a Nonpayment of Rent Eviction?	 A critical question to ask yourself in every eviction case is "what are the grounds for eviction?" This is important, not just to decide if the plaintiff has proven its case, but if the eviction is based on nonpayment of rent, special rules and procedures apply and must be carefully followed. Most importantly, a person appealing a nonpayment of rent eviction with either an appeal bond or statement of inability must be ordered to pay one month's rent into the justice court registry.
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Nonpayment of Rent Eviction? Scenario 1

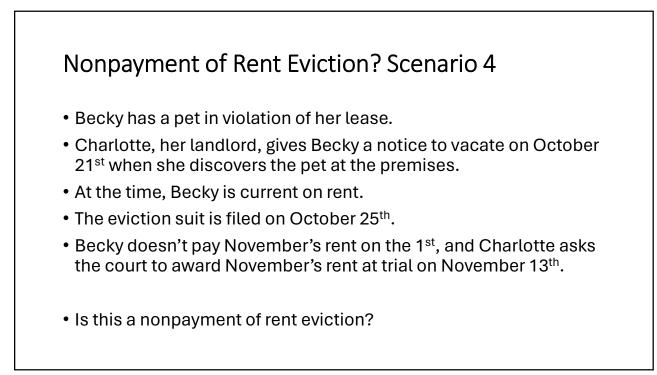
- Mike has a mortgage that gets foreclosed upon. The bank purchases the house at the foreclosure sale and now seeks to evict Mike.
- Is this a nonpayment of rent eviction?





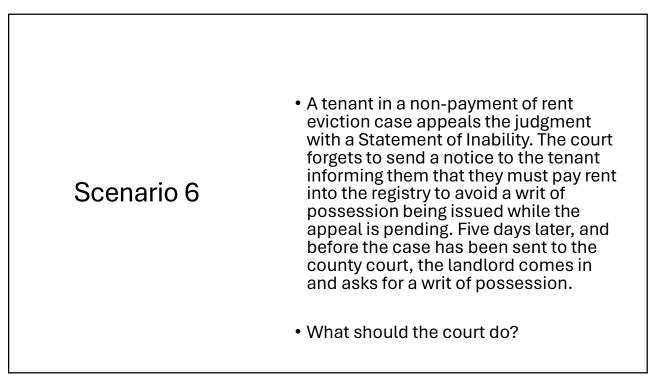
Nonpayment of Rent Eviction? Scenario 3

- His landlord, Bray, knows that Daniel doesn't have money, so when Bray files the eviction suit, he doesn't ask for any money damages, instead only asking for possession of the premises.
- Is this a nonpayment of rent eviction?



Nonpayment of Rent Eviction? Scenario 5

 Tenant's lease expired on May 31, on June 1, landlord demanded to pay June rent or vacate, tenant did neither. Landlord gives notice to vacate and pursues eviction.



Is it considered legal advice in an eviction case to tell a party the actual date for their last day to appeal?

Scenario 8

Does a judge have the discretion to deny an appeal in an eviction case?

Eviction case that was dismissed for lack of jurisdiction. The attorney for the plaintiff wants to file an appeal.

Can we accept the appeal? Do they need to refile in a JP that holds jurisdiction over the case?

Scenario 10

On an eviction appeal by Statement of Inability, does the JP decide if the party is indigent or is that for the County Court at Law judge to rule on? (No contest was filed).

The court entered a default judgment in an eviction after the tenant did not appear. Notice of the judgment was sent to the premises. An occupant of the tenant has now filed an appeal of the case.

Can an occupant appeal?

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Scenario 12

What should you do if a defendant in an eviction doesn't appear for court, but calls the court after the judgment and shows they have filed for bankruptcy?

How should the court proceed and what else, if anything, does the court need to know?

In an eviction case, the appeal deadline passed, and the plaintiff requested a writ of possession
the next day. The court issued the
writ that same day. Three days
later, the court received a
Statement of Inability appealing
the case in the mail. It was post-
marked the day before the appeal deadline.

Do we send the case up? What do we do about the writ of possession that was already issued?

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Scenario 14

A tenant has appealed a case using a Statement of Inability. I know that covers the appeal bond. Does it also cover the rent that needs to be paid into the registry in order for the tenant to stay in possession of the premises during the appeal?

A defendant in an eviction appeals with a Statement of Inability and pays the rent into the court registry; but for some reason the case is sent back because it wasn't perfected at the higher court.

Who gets the money from the registry? Plaintiff or Defendant?

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Questions?