

# Evictions Scenarios

Rebecca Glisan  
Director of Curriculum & Staff Attorney  
Texas Justice Court Training Center

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# Resources

Texas Justice Court Training Center:  
[www.tjctc.org](http://www.tjctc.org)

- Evictions Deskbook
- Charts, self-paced modules, webinars, legal board, etc.

Texas Constitution and Statutes:  
<https://statutes.capitol.texas.gov/>

Texas Rules of Civil Procedure:  
<https://www.txcourts.gov/rules-forms/rules-standards/>

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# Agenda

This is an evictions scenarios discussion class. There are two sections:

- Filing Through Judgment
- Appeals
- You will discuss the question(s) on the slide at your table.
- Feel free to use any available resources to answer, including [www.tjctc.org](http://www.tjctc.org) materials.
- Nominate a table spokesperson who will share your answer.

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## Warm Up Questions



Introduce yourselves and decide on a name for the table/team.



What is the most memorable eviction that has happened in your court?

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## Filing Through Judgment

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## Scenario #1

Yoda has gone back to college. A family near campus allows Yoda to have room and board, plus a little money each month in exchange for helping around the house. There is no written lease or any other written agreement. The family decides they no longer wish to have Yoda as a tenant. There is no unpaid rent, nor any other breach of agreement. What type of tenant is Yoda? What notices, if any, does the family need to give Yoda before filing an eviction?

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## Scenario #2

Bronson rented a house from Amber for him and his 10-year-old daughter Thea. A year later, John moved in with them and was added to the lease. Bronson has now also subleased the garage apartment to Rebecca. Who is a tenant of Amber and who is an occupant? If Bronson is evicted, who goes with him?

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## Scenario #3

Marge and Homer Simpson started renting a house in your precinct. The landlord, Mr. Burns, wants to evict them over several alleged breaches of lease. On the petition, Mr. Burns listed “Homer Simpson and all other occupants”. Can he evict Marge using this verbiage? Why or why not?

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## Scenario #4

Dorothy Gale is a landlord in your county. One of her tenants has failed to pay rent timely and will not return her calls. She provides the proper notices and files an eviction. After she has filed, she sees on Facebook that the tenant has died.

Can you still hear the eviction?

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## Scenario #5

Ruth Asawa is renting a house and signed a year lease for a fair market value. Six months in, the house gets foreclosed on because the homeowner did not pay their mortgage. Phillip Johnson buys the house at the foreclosure auction and wants to evict Ruth.

Can he do that? If so, how? Is there other information you need to know?

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## Scenario #6

Ursula owns a home but cannot make her mortgage payments. She ultimately gets foreclosed on. She says the foreclosure was defective.

Can the new owner evict her? Need any additional information? How much notice is Ursula entitled to for the eviction?

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# Appeals

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## Spot the Mistakes

An eviction judgment was entered on a Friday and the court received a Statement of Inability to appeal the judgment from Defendant Thea the following Monday. Justice court clerk Bronson sent a notice of the Statement of Inability to the plaintiff on Wednesday. Bronson then called Thea to let her know that she must file an additional Statement of Inability – because one is needed for the appeal bond and a separate one is needed for the appeal filing fee. He also told her during the phone call that she must pay one month's rent into the registry no later than five days after the day that she filed the Statement of Inability.

Thea did not pay the rent into the registry by the deadline, and so Plaintiff John came in to request a writ of possession. Judge Amber had Bronson tell John that he couldn't get the writ yet because Thea would have one extra day to pay since the court closes before 5 p.m. every day. After the extra day, Thea still hadn't paid. Judge Amber told Bronson that Thea's failure to pay the rent into the registry by the deadline meant her appeal wasn't in fact perfected and so he shouldn't send the case up to the county court after all.

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## Scenario #7

I know the court loses authority to grant or deny any relief on the 21st day after the date a civil Judgment is signed. Does this rule apply to eviction cases where the appeal period is only 5 days?

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## Scenario #8

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?

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## Scenario #9

We have an eviction where a judgment was rendered for the plaintiff. The tenant wants to appeal this case, so they filed a Statement of Inability. We sent notice to the plaintiff letting them know they have 5 days to contest the Statement of Inability. Plaintiff is asking if they can get a copy of the Statement of Inability that the tenant filed.

Are we able to release this document to the plaintiff?

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## Scenario #10

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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## Scenario #11

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?

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## Scenario #12

A default judgment was issued on a non-payment of rent eviction. The defendant filed an appeal with a statement of inability and was given the notice to pay into the court registry. The defendant did not pay the one month's rent into the court registry within the 5 days. The plaintiff requested a writ of possession the day after the one month's rent was due. A writ of possession was issued.

Does the appeal still get transferred to the county court?

If so, do I have to wait for the writ of possession to be executed by the constable before I can transfer the case?

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## Scenario #13

An eviction case was appealed. The defendant did not pay rent into the registry by the deadline. The case was sent up to the county court the next morning, and the plaintiff came in asking for a writ of possession that afternoon.

What do we do now? Should we not have sent it up so quickly?