

# Exempt Property Hearings & Receiverships

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TJCTC Programs are an educational endeavor of the Justices of the Peace and Constable's Association of Texas, Inc. and funded by the Texas Court of Criminal Appeals.

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## Today's Class

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Resources & Pre-Quiz

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Other Receiver Issues

02

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## Resources & Pre-Quiz

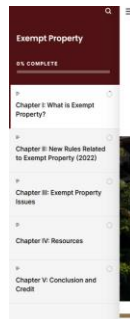


Are you up-to-date on  
exempt property issues??

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# Resources

- Exempt Property Self-Paced Module
- Exempt Property Forms



## Chapter I: What is Exempt Property?

LESSON 1 OF 5



- Civil Deskbook (page 157)
- TX Rules of Civil Procedure
- Exempt Property Benchcard (*Charts & Checklists: Civil Procedure*)

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# Quiz

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# So you think you know Exempt Property & Receivership?

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Question #1

## Multiple Choice

The court must determine a judgment debtor's exemption claim within \_\_\_\_\_ days after the claim is filed.

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Question #2

# True / False

Justice courts must use the Texas Supreme Court approved form to appoint a receiver?

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Question #3

# Yes / No

Can someone claim a homestead exemption even if they don't formally file the tax form with their county?

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Question #4

# Multiple Choice

At a hearing on Exempt Property, who has the burden of proof?

Receiver

Judgment Creditor

Judgment Debtor

Constable / Officer

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# Exempt Property Hearings

Remember: The judge can  
develop the facts. Rule 500.6

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## Hearing Procedure–Rule 679b

- Judgment debtor files a Protected Property Claim for or another sworn document with the same information.
- Court sets the hearing and notifies the parties (including receivers, constables, or sheriffs involved in the case).
  - Determination must be made within **10 days** of when the exemption claim was filed unless there is good cause to extend the time.
- The receiver or officer cannot sell the judgment debtor's property until after the court determines the exemption claim.

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## Scenario E1–Let's Hold a Hearing

**ABC Legal v. Debra Defendant**



*Is the vehicle exempt?*

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## **Scenario E2–Let’s Hold a Hearing**

Tiger Financial

v.

Bobby Bennett

d/b/a Bennett Books

- Judgment against Bobby for \$8,000 for unpaid accounting/bookkeeping fees
- Writ of Execution issued last week

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## **Scenario E2–Let’s Hold a Hearing**

# **Homestead?**

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## Scenario E3—Let's Hold a Hearing

Perry Plaintiff  
v.  
Danny Defendant

*Is the travel trailer  
exempt?*



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## Scenario E3—Let's Hold a Hearing

Perry Plaintiff  
v.  
Danny Defendant

*Is the boat exempt?*



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Questions

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# Other Receiver Issues

Remember: The Rules **require**  
the Texas Supreme Court's  
Receiver Order.

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## Rule 679a

- When you issue an Order Appointing a Receiver under CPRC §31.002 to collect a judgment owed by a judgment debtor, you **must** use the Order Appointing Receiver approved by the Texas Supreme Court
  - *Exception:* if you find **good cause** to use a different version of Order Appointing Receiver, you **must** explain in your **written order** why you are using a different version

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## Scenario R1      What would you do??

### ***Review the 3 Proposed Orders***

Which one would you sign and why?

- A**       **B**       **C**

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## **Scenario R2**

**What is Administrative  
Closure?**

**See Handout R2**

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## **Scenario R3**

**Is It Too Late??**

**See Handout R3**

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**Questions?**

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**Reminders**

Remember: Don't forget about  
the Self-Paced Exempt  
Property Module!

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**Thank You**