

**RULE 679a. TURNOVER UNDER CIVIL PRACTICE AND REMEDIES CODE §
31.002**

- (a) *Order Appointing Turnover Receiver in Justice Courts.* If a justice of the peace issues an order appointing a receiver under section 31.002 of the Civil Practice and Remedies Code to collect a judgment owed by an individual judgment debtor, the justice of the peace must use the Order Appointing Receiver approved by the Supreme Court, except on good cause shown in a written order.
- (b) *Order Appointing Turnover Receiver in All Courts.* A court that issues an order appointing a receiver under section 31.002 of the Civil Practice and Remedies Code to collect a judgment owed by an individual judgment debtor may use the Order Appointing Receiver approved by the Supreme Court and must state in any other order appointing a receiver:

“Personal Property Rights of Judgment Debtor: Receiver must comply with Texas Rule of Civil Procedure 679b.

Receiver to Hold Property: Receiver must not disburse funds to Judgment Creditor or sell property within 14 days after serving Judgment Debtor with the Notice of Protected Property Rights, the Instructions for Protected Property Claim Form, and the Protected Property Claim Form approved by the Supreme Court, or within 17 days if service was by mail. If the Judgment Debtor asserts an exemption, Receiver may only disburse funds to Judgment Creditor or sell property with Judgment Debtor’s written consent or a court order.”

**RULE 679b. PERSONAL PROPERTY EXEMPTIONS IN POST-JUDGMENT
PROCEEDINGS**

- (a) *Exemption Notice.*
- (1) *Notice Required.* If a post-judgment turnover order, order appointing a receiver under section 31.002 of the Civil Practice and Remedies Code, writ of garnishment, writ of execution, or other post-judgment order results in the freeze or seizure of personal property of an individual judgment debtor, the receiver or judgment creditor must serve the judgment debtor with the Notice of Protected Property Rights, the Instructions for Protected Property Claim Form, and the Protected Property Claim Form approved by the Supreme Court. Before service, the receiver or judgment creditor must fill in the case style and list the “Interested Persons to Notify” in the Protected Property Claim Form.
- (2) *Service Timing.* The receiver or judgment creditor must serve the documents in (1) within three business days after the receiver or judgment creditor has notice that the judgment debtor’s property has been frozen or seized, whichever is first.

- (3) *Service Method.* The documents in (1) must be served as provided in Rule 21a or Rule 501.4, as applicable.
 - (4) *Repeat Service Not Required.* Nothing in this rule requires the receiver or judgment creditor to serve the judgment debtor with the documents in (1) more than once.
- (b) *Suspension Period.*
- (1) *General Rule.* A receiver or officer must not sell the judgment debtor’s personal property or distribute proceeds to the judgment creditor within 14 days after service of the documents in (a)(1), or within 17 days if service was by mail.
 - (2) *No Effect on Noticing Sale.* Nothing in this rule prohibits a receiver or officer from noticing the sale of the judgment debtor’s personal property during the suspension period if the sale date is after the suspension period’s expiration.
- (c) *Effect of Filing Protected Property Claim Form; Hearing; Exemption Determination.*
- (1) *Hearing and Suspension Required.* If the judgment debtor files a Protected Property Claim Form or another sworn document containing the same information:
 - (a) the court must hold a hearing on the exemption claim; and
 - (b) the receiver or officer must not sell the judgment debtor’s personal property or distribute its proceeds to the judgment creditor until the court determines the judgment debtor’s exemption claim.
 - (2) *Hearing Notice.* Each party is entitled to reasonable notice of the hearing.
 - (3) *Burden of Proof.* At the hearing, the judgment debtor must prove the exemption claim and the value of the personal property exempt. The judgment debtor may satisfy this burden through a sworn statement if the sworn statement is not challenged. A “sworn” statement is one that is signed before a notary or made under penalty of perjury. A signed Protected Property Claim Form is a “sworn” statement.
 - (4) *Time for Determining Exemption Claim.* The court must determine the judgment debtor’s exemption claim within 10 days after the judgment debtor files the exemption claim. The court may extend the time for determining the exemption claim on good cause shown.
 - (5) *Release of Property.* If the court determines that the judgment debtor’s personal property is exempt, the court must order its release within three business days.

Notes and Comments