

Constable Math

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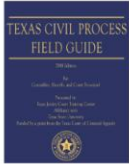
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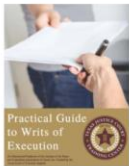
Resources



Civil Process Field Guide

Revised October 2023. This guide is an indispensable in-the-field resource for constables and deputies, covering information on citations, writs, and other process.

[Click here to download a copy.](#)



Practical Guide to Writs of Execution

Revised December 2025. This guide explains how a constable works a writ of execution from start to finish, including some common pitfalls and tricky issues that might arise.

[Download a copy.](#)

JCTC is in the process of revising
the Civil Process Field Guide

Counting Under The Code Construction Act. Tex. Gov't Code § 311.014

- (a)The first day is excluded and the last day is included.
- (b)If the last day of any period is a Saturday, Sunday or **legal holiday**, the period is extended to include the next day that is not a Saturday, Sunday or **legal holiday**. (emphasis added)

The importance of “legal holiday” will be made clearer.

Poll #1

The judge issues a writ on December 2, 2026, that is supposed to be executed within 30 days. What is the last day the writ can be executed?

- A. December 31
- B. January 1
- C. January 4

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Nov 29	30	Dec 1	2	3	4	5
8 AM John Legal Calls		Francisco Out				
6	7	8	9	10	11	12
	8 AM Thea Legal Calls					
13	14	15	16	17	18	19
	New Judge Stage I					
	8 AM Mark Legal Calls					
20	21	22	23	24	25	26
	8 AM Office Closed to Calls					
				Christmas Eve	Christmas Day	
27	28	29	30	31	Jan 1	2
	8 AM Office Closed to Calls					
				New Year's Eve	New Year's Day	

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Computing Time for Writs of Possession Generally. Tex. Prop. Code § 24.0042

A period prescribed by this chapter:

- (1) does include the day of the event that begins the period;
 - (2) Includes Saturdays, Sundays, and **state or federal holidays**;
 - (3) Includes the last day of the period; and
 - (4) If the last day of the period is a Saturday, Sunday, or **a state or federal holiday**, is extended so that the last day of the period is the next day that is not a Saturday, Sunday, or state or federal holiday.
- (emphasis added)

Computing Time for Constables for WOP

- A sheriff or constable, including a deputy sheriff or deputy constable, shall make a diligent effort to serve the citation and petition not later than the **fifth business day** after the date the petition is filed. Tex. Prop. Code § 24.0051(f).
- A sheriff or constable, including a deputy sheriff or deputy constable, shall “serve” the writ of possession not later than the **fifth business day** after the date the writ is issued. Tex. Prop. Code § 24.0061(b-1).

Our position: do not count weekends or holidays.

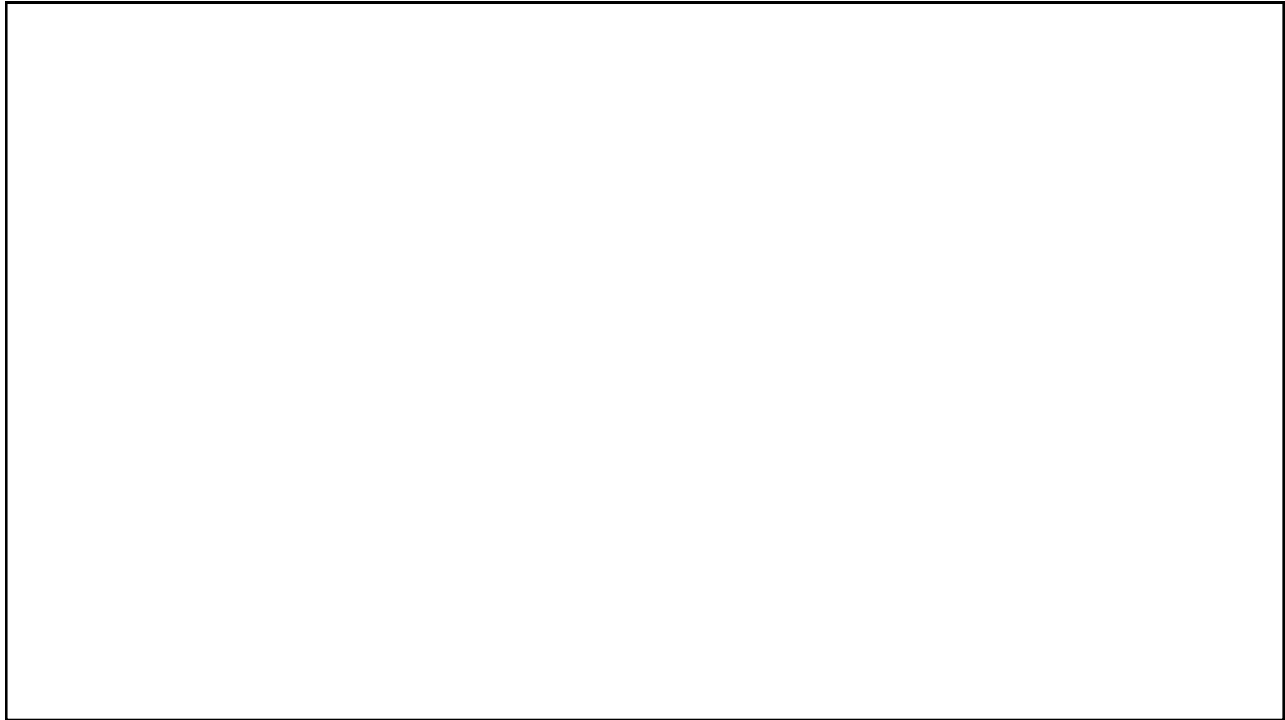
This year, the Texas Supreme Court declined to decide whether a “business day” includes days on which a government office is closed even if it isn’t a holiday.

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BTW: Official Position of TJCTC

- The Five-Business-Day Rule is the deadline for the writ of possession to be “served,” not the deadline for the writ to be executed.

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Discussion question

You receive a writ for a certain amount. The plaintiff's attorney informs you that he calculated a larger amount. The defendant informs you that he has paid a portion of the judgment and believes the amount should be lower. What do we do here?

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The OCA Prints Historical Interest Rate Summaries

- <https://occc.texas.gov/publications/interest-rates/historical-interest-rate-summaries/>

HISTORICAL INTEREST RATE SUMMARIES

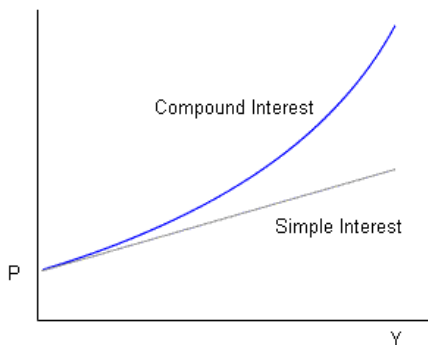
HOME > PUBLICATIONS > INTEREST RATES > HISTORICAL INTEREST RATE SUMMARIES

HISTORICAL RATES

- Monthly Ceilings
- Quarterly Ceilings
- Annualized Ceilings
- Rate Bracket Adjustments
- Retail Credit Cards Annual Rate Ceilings
- Postjudgment Interest Rate Ceilings
- Retail Credit Card Quarterly Rate Ceilings
- Lender Credit Card Quarterly Rate Ceilings

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What is the difference between simple and compound interest?



- Simple interest calculates interest based solely on the original amount of principal.
- Compound interest calculates interest on the principal and any accumulated interest.

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An example of SIMPLE interest

The amount of interest earned remains the same every year.

Year	Principal	Interest at 10%	New Total
1	10,000	1,000	11,000
2	10,000	1,000	12,000
3	10,000	1,000	13,000
4	10,000	1,000	14,000
5	10,000	1,000	15,000

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An example of COMPOUND interest

The amount of interest earned increases every year.

Year	Principal	Interest at 10%	New Total
1	10,000	1,000	11,000
2	11,000	1,100	12,100
3	12,100	1,210	13,310
4	13,310	1,331	14,641
5	14,641	1,464.10	16,105.10

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Poll #2

How is prejudgment interest calculated?

- A.Simple interest
- B.Compound interest

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Poll #3

How is postjudgment interest calculated?

- A.Simple interest
- B.Compound interest

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Poll #4

If compounded how often is interest compounded?

- A. Daily
- B. Monthly
- C. Yearly

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Is the judgment wrong?

- Sometimes the judgment will award “court costs” generally without listing a dollar amount. Sometimes the judgment will outline the costs of court up to the point of the judgment. This second option does not prevent the plaintiff from recovering post judgment court costs even though that amount is higher than what is stated in the judgment.

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Here's the formula for prejudgment interest

P = principal (judgment amount)

R = interest rate

T = Time (number of days from accrual to judgment)

$$\text{Simple Interest} = P \times [R/365] \times T$$

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Paul v. David

The writ is for a judgment in the case Paul v. David. The judgment, which was rendered 3/1/24, was for \$100k, including costs.

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Question One for *Paul v. David*

What is the interest rate for prejudgment interest in this case?

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The interest rate is 8.5%

Prejudgment interest rate is equal to the postjudgment rate applicable at the time of judgment for personal injury. Tex. Fin. Code § 304.103



Historical Table of Postjudgment Interest Rates

This table shows postjudgment interest rates from 1983 to the present. The Office of Consumer Credit Commissioner under Texas Finance Code Section 304.003 and its predecessor statutes. The rates are effective for each month.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
2026	6.75%							
2025	7.75%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%
2024	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%
2023	7.50%	7.50%	7.75%	7.75%	8.00%	8.25%	8.25%	8.25%
2022	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2021	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
2020	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%

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Question Two for *Paul v. David*

How much
prejudgment
interest is owed?

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Prejudgment Interest

The judgment and the writ indicate that Paul was awarded prejudgment interest from 2/1/22 to 3/1/24, the date of the judgment.

How much prejudgment interest is there?

We'll take this in steps.

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Let's work this out together (1/5)

- What was the amount of interest that accrued from 2/2/22 to 2/1/23?
- What was the amount of interest that accrued from 2/2/22 to 2/1/24?

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Let's work this out together (2/5)

- How many days were there in 2024?

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Let's work this out together (3/5)

- What was the daily rate of money from interest accrued in 2024 after 2/1 using simple interest?

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Let's work this out together (4/5)

- How many days of daily interest are there in the third year?
- How much interest is that?

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Let's work this out together (5/5)

- So ... what is the total amount of prejudgment interest at the time the judgment is rendered?

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Here's a question for you

You have a Writ of Execution. On the Default Judgment and the Writ where the money is awarded it states on one line, "Post judgment interest at the legal rate from the date of judgment." According to Texas Finance Code 304.001 and Texas Rules of Civil Procedure 630, the Judgment and Writ should state a specific interest rate. Should this Writ be returned as "Unserved" and reference the Finance Code and Rules of Civil Procedure?

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Poll # 5

Does the amount of prejudgment interest earn postjudgment interest?

A.Yes

B.No

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Question Three for *Paul v. David*

How much does David owe Paul at the time David's nonexempt property is sold?

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$$P^1 = P(1+r/n)^t$$

- P^1 = the new principal amount (original judgment amount plus interest)
- P = the principal amount (judgment amount)
- r = the interest rate
- n = the compounding frequency (for post-judgment interest always 1 year)
- t = the overall length of time the interest is applied (in years)

$$P^1 = (\text{judgment amount}) \times [1 + (\text{interest rate}/1)]^{(1)(\text{number of years})}$$

Because post-judgment interest is always compounded annually, n will always be 1. This means the formula will effectively be $P^1 = P(1+r)^t$

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Answering amount due in several steps

On November 3, 2025, the court issued a writ of execution to be executed within 60 days. How much would be due on the final day of execution?

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Calculating days for execution of writ (1/2)

November 4 was day 1.

There are 30 days in November. November 30 was day 27.

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Calculating days for execution of writ (2/2)

There are 31 days in December. That makes December 31 the 58th day.

January 2, 2026 was day 60.

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Next SStep

- How many days are in the final year when the nonexempt items are sold?

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Counting the days in each month

Month	Number of Days
March 2025	30 (don't count first day, but do count last)
April	30
May	31
June	30
July	31
August	31
September	30
October	31
November	30
December	31
January	2
Total	307

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Amount of interest after one year

The original amount of principal (including prejudgment interest) is \$115,673.38.

After year one (through 2/28/25), the amount due is \$125,505.62.

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If there had been a full second year after judgment, how much interest would there have been?

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If there had been a full second year after judgment,
how much interest would there have been?

- 8.5% of \$125,505.62 is 10,667.98

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What is the daily rate at which interest accrues
during this year?

- $10,667.98 / 365 \text{ days} = 29.23 \text{ per day}$

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So, the amount of the judgment on January 2

- The amount after year 1 is \$125,505.62
- For a full year 2, the amount of interest would be 10,667.98, or 29.23/day
- There are 307 days in the uncompleted second year
- So, the amount of interest for year two on January 2 is \$8,973.61
- The total amount of the judgment as of that date is \$134,479.23

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What do you do if the judgment creditor has made a partial payment?

- The declining principal formula must be applied. This means that the payment would go first to all interest that had accrued, with any remainder being applied to the principal.
- After that payment, interest would only accrue on the remaining principal amount.

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Another math problem

Here, David, the judgment debtor, paid \$100,000.00 on October 15, 2025. How much is owed on January 2, 2026?

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Showing my work (1/2)

- Remember, after year 1, the amount owed was \$125,505.62
- For a full year 2, the amount of interest would have been 10,667.98, or 29.23/day
- October 15 is day 228 of year 2.
- The amount of interest as of that day is 6,664.44.
- The total amount owed on that day was 132,170.06

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Showing my work (2/2)

- After payment, the amount owed was 32,170.06
- The daily amount of interest after payment is \$7.49.
- January 2 is day 79 after payment.
- Interest is \$591.71. Total owed is \$32,761.77.

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Discussion question #2

- Defendant has non-exempt property, the value of which appears to be so low that it would cost more to levy on it than you could ever hope to get for it at auction. However, writs typically just command that we take we take their non-exempt property and sell it to "satisfy" the judgement.
- Question: Do I have any discretion in declining to levy on non-exempt property when it is apparent that doing so is likely going to be a net loss? It seems to me that doing so kind of goes against the "in satisfaction of said judgment" part of the writ.

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