

# JOHNSON COUNTY



## JUSTICE OF THE PEACE, PCT 2

Honorable Judge Jeff Monk  
247 Elk Drive ~ Burseson, TX 76028 ~ (817) 558-0111 Ext. 2543

## JUSTICE COURT APPEALS

### **SMALL CLAIMS & DEBT CLAIMS**

If the amount in controversy, exclusive of costs, **exceeds \$250**, a dissatisfied party may appeal the final judgment to the County Court at Law. A bond is required to perfect an appeal. An appeal bond may be posted either by pledging cash or by having two (2) sureties sign a written "oath" where they pledge to be responsible by listing their non-exempt personal property which may be seized and sold to satisfy the bond amount. These bond forms and oaths of sureties are available online or at the court upon request.

*Texas Rules of Civil Procedure*

*Part V. Rules of Practice in Justice Courts*

#### **Rule 506.1**

- Bond must be filed within **TWENTY-ONE** (21) days after the judgment is signed.
- A **defendant** must file a bond in an amount equal to twice the amount of the judgment. The bond must be supported by a surety or sureties approved by the judge. The bond is payable to the appellee and must be conditioned on the appellant's prosecution of its appeal to effect and payment of any judgment and all costs rendered against it on appeal.
- A **plaintiff** must file a **\$ 500 bond**. The bond is payable to the appellee and must be conditioned on the appellant's prosecution of its appeal to effect and payment of any judgment and all costs rendered against it on appeal.

### **EVICCTIONS**

A dissatisfied party may appeal the final judgment to the County Court at Law. A bond is required to perfect an appeal. An appeal bond may be posted either by pledging cash or by having two (2) sureties sign a written "oath" where they pledge to be responsible by listing their non-exempt personal property which may be seized and sold to satisfy the bond amount. These bond forms and oaths of sureties are available online or at the court upon request.

*Texas Rules of Civil Procedure*

*Part V. Rules of Practice in Justice Courts*

#### **Rule 510.9**

- Bond must be filed within **FIVE** (5) days after the judgment is signed.
- Bond amount shall be set by the court.
- The bond or cash deposit must be payable to the appellee and must be conditioned on the appellant's prosecution of its appeal to effect and payment of any judgment and all costs rendered against it on appeal.

### **REPAIR & REMEDY**

*Texas Rules of Civil Procedure*

*Part V. Rules of Practice in Justice Courts*

#### **Rule 509.8**

- Written Notice of Appeal must be filed within **TWENTY-ONE** (21) days after the date the judge signs the judgment.
- Timely filing of a Notice of Appeal stays the enforcement of any order to repair or remedy a condition or reduce the tenant's rent, as well as any other actions. Posting of an appeal bond is not required. Otherwise, the appeal is in the manner provided by law for appeal from a justice court.
- The Appellant must pay the costs on appeal to a county court.

## **FILING FEES**

The County Clerk requires that the fees in the County Court at Law be paid to the County Clerk within 20 days of appeal. You must contact the County Clerk to determine how much these costs are.

## **Sworn Statement of Inability to Pay**

### **SMALL CLAIMS & DEBT CLAIMS**

*Texas Rules of Civil Procedure*

*Part V. Rules of Practice in Justice Courts, Rule 506.1(d)*

**Sworn Statement of Inability to Pay may be filed in lieu of required sureties. The statement must meet the requirements of Rule 502.3(b).**

- Statement must be filed within **TWENTY-ONE (21)** days after the judgment is signed, and may be contested within **SEVEN (7)** days after the opposing party receives notice that the statement was filed.

### **EVICITION**

*Texas Rules of Civil Procedure*

*Part V. Rules of Practice in Justice Courts, Rule 510.9(c)*

**Sworn Statement of Inability to Pay may be filed in lieu of required sureties. The statement must meet the requirements of Rule 502.3(b).**

- Statement must be filed within **FIVE (5)** days after the judgment is signed, and may be contested within **FIVE (5)** days after the opposing party receives notice that the statement was filed.

**PAYMENT OF RENT IN NONPAYMENT OF RENT APPEALS, Rule 510.9(c)(5)**

- Within **FIVE (5)** days of the date the sworn statement of inability to pay is filed, one rental period's rent must be paid into the registry of the justice court.
- Failure to pay the required amount into the justice court registry by the required date may result in the court issuing a writ of possession without hearing.
- During the appeal process as rent becomes due under the rental agreement, the defendant must pay the designated amount into the county court registry within 5 days of the rental due date.