

Writ of Restoration Flowchart

Applicant files sworn written application in precinct where property is located, pays the civil filing fee or files Statement of Inability (or judge defers payment of costs), and orally states the facts of the case under oath to the judge.
Prop Code 92.0091(b)

If judge finds that an unlawful lockout has occurred, ex parte writ for immediate and temporary restoration shall be issued.
Prop Code 92.0091(c)

Writ must be served on landlord/mgmt co. in same manner as writ of possession. Unless the judge has deferred costs or Statement of Inability was filed, service fee must be paid (same as service of writ of possession).
Prop Code 92.0091(d)

Hearing must be held at least 1 and no more than 7 days after request.
Prop Code 92.0091(e)

Does landlord request a hearing before the 8th day after service?

Yes

No

A judgment for court costs may be entered against the landlord.
Prop Code 92.0091(f)

Writ remains in place. Ruling may be appealed in same manner as eviction appeal.
Prop Code 92.0091(g)

Was the writ properly issued?

Yes

No

Court dissolves the writ. Ruling may be appealed in same manner as eviction appeal.
Prop Code 92.0091(g)

Has the landlord complied with the writ?

Yes

No

Close case.

No

Court issues a show cause notice upon filing of an affidavit. Service fee in amount of citation service fee assessed unless deferred or Statement of Inability filed.
Prop Code 92.0091(i)

Did landlord disobey writ?

Yes

Has a writ of possession issued or was there an appeal under Sec. 92.0091(g)?

No

Landlord may be committed to jail without bail until the order is obeyed.
Prop Code 92.0091(i)

Is landlord still disobeying writ?

Yes

No

May hold in contempt under Gov't Code 21.002 (up to 3 days in jail and/or up to \$100 fine).
Prop Code 92.0091(i)

The writ of re-entry may not be enforced.
Prop Code 92.0091(g), (h)