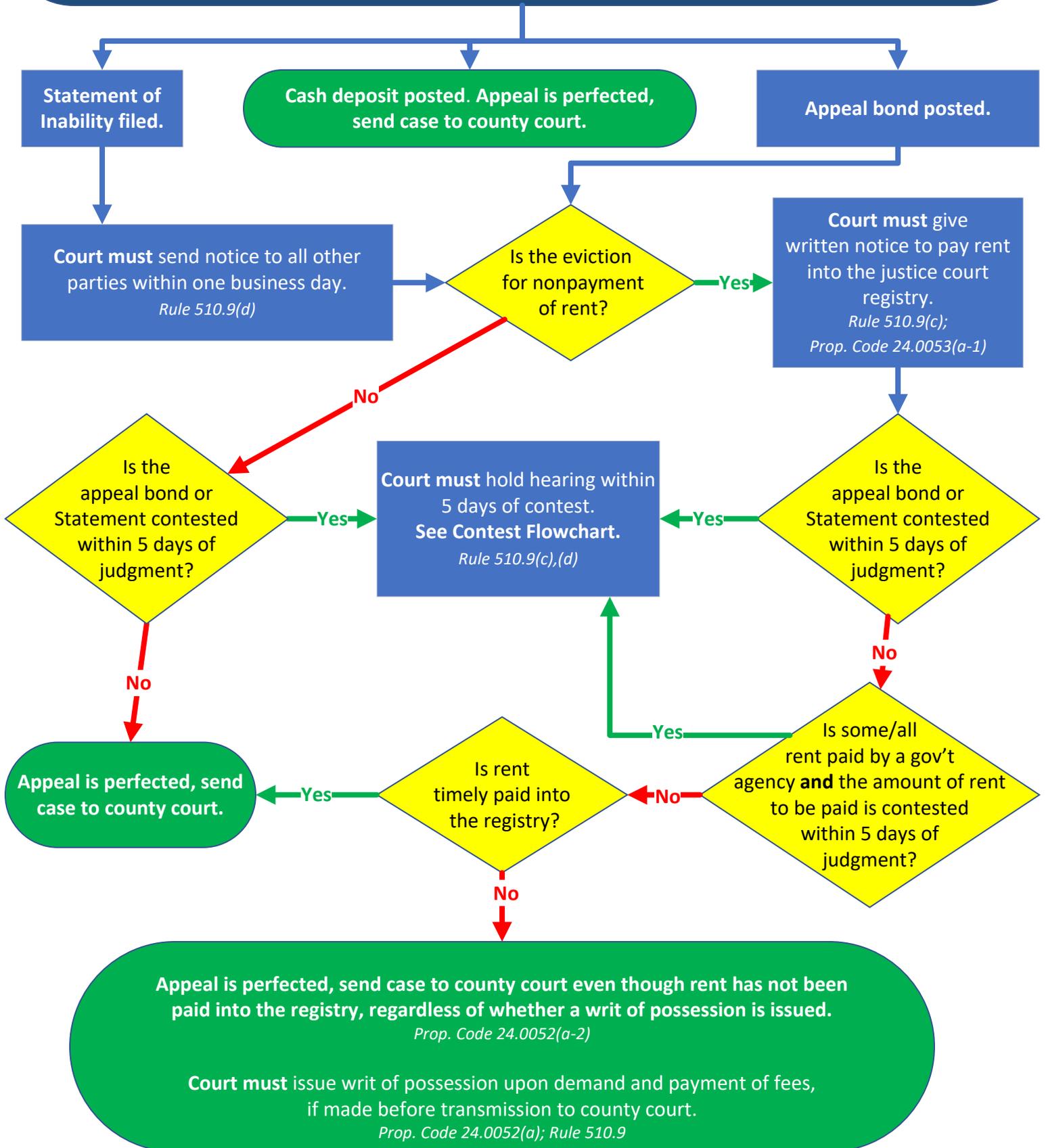


# Eviction Appeal Procedure Flowchart

Judge determines amount of appeal bond or cash deposit as provided in Rules 510.9 and 510.11 (appeal bond and rent amounts **must be included in judgment** in a residential eviction for nonpayment of rent). Appeal **must** be filed by 5<sup>th</sup> day after judgment (see Rules 510.2 and 500.5) and a filing fee must be paid to the justice court unless it is waived due to the filing of a Statement of Inability.

*Rules 510.9 & 510.11; Prop. Code 24.00511(a)*



# Eviction Contest Procedure Flowchart

Hearing must be held within 5 days of contest.  
*Prop. Code 24.00512(c); 24.0052(d); 24.0053(c)*

Party contests the amount of rent paid by the tenant into the registry, and rent is paid in whole or in part by a governmental agency.

Party contests an appeal bond.

Party contests a Statement of Inability.

Has TDI approved the surety to do business in Texas?

Is a legal aid provider certificate filed with the Statement?

If the tenant objects to the justice court's ruling at the hearing, the tenant is required to pay only the portion claimed to be owed by the tenant until the issue is tried in county court.  
*Rule 510.9(c); Prop. Code 24.0053(c),(d)*

Must dismiss the contest.  
*Prop. Code 24.00512(a); Rule 502.3(d)*

If appeal bond is **approved**, appeal is perfected, send case to county court.

Court determines if amount and form of bond are sufficient and if surety has sufficient non-exempt assets  
*Prop. Code 24.00512*

If Statement is **approved**, appeal is perfected, send case to county court.

Court determines if appellant can afford appeal bond or cash deposit. If no, must enter a written order detailing reasons.  
*Rule 502.3(d)*

If appeal bond **disapproved**, party may post cash deposit or Statement of Inability or appeal the disapproval to county court within 5 days.  
*Prop. Code 24.00512(g)*

If Statement **disapproved**, party may appeal the disapproval to county court within 5 days or post cash deposit or appeal bond by the next day after the five day period expires.  
*Rule 510.9*

If **nothing timely filed**, appeal is **not perfected**, writ should be issued by the justice court upon demand and payment of fees.  
*Prop. Code 24.00512(e)*

If **disapproval appealed**, send up bond/ Statement and related documents.  
*Rule 510.9; Prop. Code 24.00512(f)*

If **cash deposit timely filed**, appeal is **perfected**, send case to county court.  
*Prop. Code 24.00512(e)*

If **Statement or appeal bond timely filed**, go to applicable box at top of Appeal Flowchart.

If **county court disapproves bond**, party has 5 days to file cash deposit or Statement. Go to box at top of Appeal Flowchart if filed. If not, justice court must issue writ upon demand and payment.  
*Prop. Code 24.00512(g)*

If **county court approves bond or Statement**, send entire case up.

If **county court disapproves Statement**, party has 1 business day to file cash deposit or appeal bond. Go to box at top of Appeal Flowchart if filed. If not, justice court must issue writ upon demand and payment.  
*Rule 510.9(c)*