

# Evictions: Post-Trial and Appellate Research Guide

## Overview

This research guide includes information and resources on appellate and posttrial procedures in eviction cases. The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

See also: *Landlord-Tenant Issues Research Guide*

## Statutes and Codes

Texas Statutes Online [www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)

Texas Rules of Civil Procedure  
<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rule 510 Eviction Cases
- Rule 635 Stay of Execution in Justice Court

Texas Property Code

- Ch. 24 §24.005 Notice to Vacate (form)  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.24.htm#24.005>
- Ch. 24 §24.007 Appeal  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.24.htm#24.007>
- Ch. 91 Provisions Generally Applicable to Landlords & Tenants  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.91.htm>
- Ch. 92 Residential Tenancies  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.92.htm>
- Ch. 93 Commercial Tenancies  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.93.htm>

## Secondary Resources in Print

- Ch. 94 Manufactured Home Tenancies  
<https://statutes.capitol.texas.gov/Docs/PR/htm/PR.94.htm>

### **Dorsaneo's Texas Litigation Guide KFT 1730 .T4**

- Vol. 9, Ch. 132 Enforcement of Judgments
- Vol. 10, Ch. 148 Suspending Enforcement Appeal; § 148.53 Supersedeas Bond

### **Texas Practice Guide KFT 1280 .T4931**

- Civil Appeals: Vol. 1, Ch. 4 Stays and Supersedeas

### **West's Texas Forms Business Litigation KFT 1268 .W47**

- Vol. 5, Ch. 35 Appeals from Justice Courts §35.1.19 Affidavit in support of stay of execution

### **Texas Forms Pleading and Practice KFT 1730 .A65T482**

- Vol. 7, Ch. 113 Executions
  - §113:21 Application—Seeking stay of execution
  - §113:22 Affidavit—In support of application for stay of execution
- Vol. 8, Ch. 153 Justice Courts, Etc.
  - §153:27 Affidavit—For Stay of execution
  - §153:28 Acknowledgment or bond for stay of execution

### **Texas Foreclosure Manual REF KFT 1330.5 .F6S7**

- Ch. 34 Residential Evictions Following Foreclosure

### **Practitioner's Guide to Civil Appeals in Texas KFT 1755 .P73**

- Ch. 8 Staying the Execution and Superseding the Judgment

## CLE Materials

### Advanced Civil Appellate Practice KFT 1755 .A75S7

- 2020 Ch. 8 Supersedeas – What for and How Much?
- 2020 Ch. 24 There’s a Judgment, Now What?
- 2018 Ch. 3: Supreme Court of Texas Update, Section XXVI. Procedure – Appellate, Subsection B. Supersedeas Bonds, p. 63.

### Advanced Civil Trial Course KFT 1738 .A2S73

- 2020 Ch. 4 Math for Lawyers: Calculating Damages under Chapter 33, Interest, and Supersedeas Bonds

### Civil Appellate Practice 101 KFT1755 .A75 C59

- 2015 Ch. 11 Supersedeas Issues in Texas

### Litigation Update Institute Course KFT 1738 .A2S7

- 2013 Ch. 1: Supreme Court of Texas Update, Section XXX. Procedure – Trial and Post-Trial – Subsection H. Supersedeas Deposit, p. 66

### Real Estate Law 101 KFT 1312 .A75R22

- 2020 Ch. 4 Texas Foreclosures and Evictions 101

## Online Resources

### Appealing an Eviction (TSLL)

<https://guides.sll.texas.gov/landlord-tenant-law/appealing-an-eviction>

Charlie Frazier, “A Supersedeas Checklist: Steps for preventing execution on a judgment pending appeal,” *Texas Bar Journal* (Vol. 86, No. 6), 403-406. (Available on Hein Online)

### Texas Law Help ([www.texaslawhelp.org](http://www.texaslawhelp.org))

- Appealing an Eviction  
<https://texaslawhelp.org/article/appealing-an-eviction>
- The Property I’m Renting Changed Ownership. Now What?  
<https://texaslawhelp.org/article/the-property-im-renting-changed-ownership-now-what>

- Setting Aside a Default Eviction Judgment  
<https://texaslawhelp.org/article/setting-aside-a-default-eviction-judgment>

Texas Justice Court Training Center Forms: Order Staying Writ of Possession for 30 Days in Manufactured Home Eviction <https://gato-docs.its.txstate.edu/jcr:00992fd4-c408-40fb-aef2-c508fd9a1919/Order%20Staying%20Writ%20of%20Possession%20in%20MFH%20Eviction.docx>

## Legal Assistance

### Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up  
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up  
<https://www.dallasbar.org/index.cfm?pg=legalline>

**Tarrant County Bar Association Lawyer Referral Service:** 817-336-4101 (\$20 for the first 30 minutes)