(e) *Trial on Appeal.* On appeal, the parties are entitled to a trial de novo. A trial de novo is a new trial in which the entire case is presented as if there had been no previous trial. Either party is entitled to trial by jury on timely request and payment of a fee, if required. An appeal of a judgment of a justice court under these rules takes precedence in the county court and may be held at any time after the eighth day after the date the transcript is filed in the county court.

RULE 509.9. EFFECT OF WRIT OF POSSESSION

If a judgment for the landlord for possession of the residential rental property becomes final, any order to repair or remedy a condition is vacated and unenforceable.

RULE 510. EVICTION CASES

RULE 510.1. APPLICATION

(a) *Application of Rule 510.* Rule 510 applies to a lawsuit to recover possession of real property under Chapter 24 of the Texas Property Code, often by a landlord against a tenant. A claim for unpaid rent may be joined with an eviction lawsuit if the amount of rent due and unpaid is not more than $20,000, excluding statutory interest and court costs but including attorney fees, if any. Rule 510 does not apply pre-lawsuit actions, including delivery of a "notice to pay rent or vacate" or a "notice to vacate," which are governed by Chapter 24 of the Texas Property Code.

(b) *Application of Other Rules; Modification or Suspension Prohibited.* The other Rules of Civil Procedure and the Rules of Evidence do not apply to eviction cases except when otherwise specifically provided by law or these rules. A justice court must not modify or suspend any part of Rule 510.

RULE 510.2. DEFINITIONS

(a) "Answer" is the written response that a defendant who is sued may file with the court.

(b) "Citation" is the court-issued document required to be served on a defendant to inform the defendant that the defendant has been sued.

(c) "Claim" is the legal theory and alleged facts that, if proven, entitle a plaintiff to relief against a defendant in court.

(d) "Clerk" is a person designated by the judge as a justice court clerk, or the judge if there is no clerk available.

(e) "County court" is the county court, statutory county court, or district court in a particular county with authority to hear and decide appeals of eviction cases from justice court.

(f) "Court proceeding" is an appearance before the court, such as a trial.

(g) "Default judgment" is a judgment awarded to a plaintiff when the defendant fails to file an answer or appear at trial to dispute the plaintiff's claims in the lawsuit.

(h) "Defendant" is a party who is sued.

(i) "Defense" is an assertion by a defendant that the plaintiff is not entitled to relief from the court.

(j) "Discovery" is the process through which parties obtain information from each other to prepare for trial or enforce a judgment.

(k) "Dismissed without prejudice" means a case has been dismissed but has not been finally decided and may be refiled.

(l) "Forcible detainer" is when a person, who has not forcibly entered another's property, refuses to surrender possession on demand.

(m) "Forcible entry and detainer" is when a person forcibly enters another's property and refuses to surrender possession on demand.

(n) "Forcibly enter" is when a person enters another person's property without the consent of:

(1) the person in possession of the property;

(2) a tenant at will, meaning a tenant without a lease;

(3) a tenant by sufferance, meaning a tenant who is occupying the property after the tenant's lease expired; or

(4) a person who acquired possession by forcible entry.

(o) "Judge" is a justice of the peace.

(p) "Judgment" is a final order by the court that states the relief, if any, a party is entitled to or must provide.

(q) "Motion" is a request that the court make a specified ruling or order.

(r) "Notice" is a document delivered by the court or a party stating that the recipient must take action or informing the recipient of action that has been taken.

(s) "Participant" is any party, attorney, witness, or juror who participates in a court proceeding.

(t) "Party" is a person or entity involved in the case that is either suing or being sued, including all plaintiffs and defendants.

(u) "Petition" is a formal written application stating the plaintiff's claims and requesting that the court order relief, such as possession of property or money damages.

(v) "Plaintiff" is a party who sues.

(w) "Pleading" is a written document filed by a party, including a petition and an answer, that states a claim or defense and outlines the relief sought from the court.

(x) "Relief" is the remedy a plaintiff requests from the court, such as the recovery of money or the return of property.

(y) "Serve" and "service" are delivery of citation and the petition required by Rule 510.8, or of a document as required by Rule 510.5.

(z) "Sworn" means signed in front of someone authorized to take oaths, such as a notary, or signed to include the statement that the other statements in the document are true and correct and under penalty of perjury. Filing a false sworn document can result in criminal prosecution.

RULE 510.3. REPRESENTATION

(a) *Representation of an Individual.* An individual may:

(1) represent himself or herself;

(2) be represented by an authorized agent; or

(3) be represented by an attorney.

(b) *Representation of a Corporation or Other Entity.* A corporation or other entity may:

(1) be represented by an employee, owner, officer, or partner of the entity who is not an attorney;

(2) be represented by a property manager or other authorized agent; or

(3) be represented by an attorney.

(c) *Assisted Representation.* The court may, for good cause, allow an individual representing himself or herself to be assisted in court by a family member or other individual who is not being compensated.

RULE 510.4. COMPUTATION OF TIME

(a) *General Rule*. To compute a time period in an eviction case, including the time period for paying rent into the registry in an appeal:

(1) exclude the day of the event that triggers the period;

(2) count every day, including Saturdays, Sundays, and state or federal holidays; and

(3) include the last day of the period, but,

(A) if the last day is a Saturday, Sunday, or a state or federal holiday, the time period is extended to the next day that is not a Saturday, Sunday, or a state or federal holiday; and

(B) if the last day for filing falls on a day during which the court is closed for all or part of the day, the time period is extended to the court's next business day.

(b) *Mailing Warning.* If a document is filed by mail and not received by the court by the due date, the court may take any authorized action, including issuing a writ of possession requiring a defendant to leave the property.

RULE 510.5 FILING AND SERVING PLEADINGS AND MOTIONS

(a) *Filing Required; Methods of Filing*. Except for oral motions made when all parties are present, every pleading, plea, motion, application to the court for an order, or other form of request to the court must be made in writing and signed by the party or the party's attorney and must be filed with the court. A document may be filed with the court in person, by commercial delivery, by mail, or electronically, if the court allows electronic filing. Electronic filing is governed by Rule 21.

(b) *Service of Citation.* Service of the citation to start an eviction lawsuit is governed by Rule 510.8.

(c) *Service of Papers Other than Citation.*

(1) Methods of Service. Other than a citation or oral motions made when all parties are present, every notice required by these rules, and every pleading, plea, motion, application to the court for an order, or other form of request to the court must be served on all other parties in one of the following ways.

(A) In person. A copy may be delivered to the party to be served, or the party's duly authorized agent or attorney of record, in person or by agent.

(B) Mail or courier. A copy may be sent by courier-receipted delivery or by

mail, to the party's last known address. Service by mail is complete when the document is properly addressed and deposited in the United States mail, postage prepaid.

(C) Email. A copy may be sent to an email address expressly provided by the receiving party. Service by email after 5:00 p.m. local time of the recipient will be deemed to have been served on the following day.

(D) Other. A copy may be delivered in any other manner directed by the court.

(2) Timing. If a document is served by mail only, 3 days will be added to the length of time a party has to respond to the document. Notice of any court proceeding requested by a party must be served on all other parties not less than 3 days before the time specified for the court proceeding.

(3) Who May Serve. Documents other than a citation may be served by a party to the suit, an attorney of record, a sheriff or constable, or by any other person competent to testify.

(4) Certificate of Service. The party or the party's attorney of record must include in writing on all documents filed a signed statement describing the manner in which the document was served on the other party or parties and the date of service. A certificate by a party or the party's attorney of record, or the return of the officer, or the sworn statement of any other person showing service of a notice is proof of service.

RULE 510.6. STARTING AN EVICTION LAWSUIT

(a) *Contents*. To start an eviction lawsuit, a petition must be filed with the court. A petition in an eviction case must be sworn to by the plaintiff and must contain:

(1) the name of the plaintiff;

(2) the name, address, telephone number, and fax number, if any, of the plaintiff's attorney, if applicable, or the address, telephone number, and fax number, if any, of the plaintiff;

(3) the name, address, and telephone number, if known, of the defendant;

(4) the amount of money, if any, the plaintiff seeks;

(5) a description of any other relief requested;

(6) the basis for the plaintiff's claim against the defendant;

(7) a description, including the address, if any, of the premises that the plaintiff seeks

possession of;

(8) a description of the facts and the grounds for eviction;

(9) a description of when and how pre-suit notice was given, and whether it was a notice to vacate or a notice to pay rent or vacate;

(10) the total amount of rent due and unpaid at the time of filing, if any;

(11) if the eviction is based solely on nonpayment of rent and regardless of whether the landlord is joining a claim for back rent, whether the tenant was late or delinquent in paying rent before the month in which notice was given;

(12) a statement that attorney fees are being sought, if applicable; and

(13) if the plaintiff is alleging a forcible entry and detainer, whether a sworn motion for summary disposition under Rule 510.10 is included in or attached to the petition.

(b) *Fees or Statement.* On filing the petition, the plaintiff must pay the appropriate filing fee and service fees, if any, with the court. A plaintiff who is unable to afford the fees must file a Statement of Inability to Afford Payment of Court Costs under Rule 510.7.

(c) *Where Filed.* The petition must be filed in the precinct where the premises is located. If it is filed elsewhere, the judge must dismiss the case. The plaintiff will not be entitled to a refund of the filing fee, but will be refunded any service fees paid if the case is dismissed before service is attempted.

(d) *Defendants Named.* If the eviction is based on a written residential lease, the plaintiff must name as defendants all tenants obligated under the lease residing at the premises whom plaintiff seeks to evict. No judgment or writ of possession may issue or be executed against a tenant obligated under a lease and residing at the premises who is not named in the petition and served with citation.

(e) *Claim for Rent.* A claim for unpaid rent may be asserted in an eviction case, if the amount of rent due and unpaid is not more than $20,000, excluding statutory interest and court costs but including attorney fees, if any.

(f) *Only Issue.* The court must adjudicate the right to actual possession and not title. Counterclaims and the joinder of suits against third parties are not permitted in eviction cases. A claim that is not asserted because of this rule can be brought in a separate suit in a court of proper jurisdiction.

(g) *When Dismissal Not Permitted.* The court must not dismiss an eviction lawsuit on the basis that the petition is improper if the petition meets the requirements of these rules or can be amended to meet the requirements of these rules.

RULE 510.7. INABILITY TO AFFORD FEES

(a) *Supreme Court Form; Contents of Statement.* A party who cannot afford filing fees or other court fees must file a Statement of Inability to Afford Payment of Court Costs approved by the Supreme Court or another statement containing the same information. The Statement must either be sworn to before a notary or be signed and verified as true and correct under penalty of perjury.

(b) *Clerk Duties.* The clerk must make the Statement available to any person for free without request.

(c) *Certificate of Legal-Aid Provider.* If the party is represented by an attorney who is providing legal services either directly or by referral from a legal-aid provider described in Rule 145(d), the attorney may file a certificate confirming that the provider screened the party for eligibility under the income and asset guidelines established by the provider. A Statement that is accompanied by the certificate of a legal-aid provider cannot be contested under (d).

(d) *Contest.*

(1) Unless a certificate is filed under (c), a party may file a contest of the Statement. The contest must contain sworn evidence—not merely allegations—either that the Statement was materially false when made or that because of changed circumstances, is no longer true.

(2) If contested, the judge must hold a hearing to determine the party's ability to afford the fees. At the hearing, the burden is on the party filing the Statement to prove the inability to afford fees.

(3) The judge may, on the judge's own initiative, examine the Statement and conduct a hearing to determine the party's ability to afford fees.

(4) If the judge determines that the party is able to afford the fees, the judge must enter a written order listing the reasons for the determination, and the party must pay the fees in the time specified in the order. If the party ordered to pay fees is the plaintiff, and the plaintiff does not timely pay the fees, the case will be dismissed without prejudice.

RULE 510.8. ISSUANCE, SERVICE, AND RETURN OF CITATION

(a) *Issuance.* When a petition is filed, the court must immediately issue citation directed to each defendant. The plaintiff is responsible for obtaining service on the defendant of the citation, a copy of the petition, and any documents filed with the petition. Upon request, separate or additional citations must be issued by the clerk. The clerk must retain a copy of the citation in the court's file.

(b) *Form*. The citation must:

(1) be styled "The State of Texas";

(2) be signed by the clerk under seal of court or by the judge;

(3) contain the name, location, and address of the court;

(4) state the date of filing of the petition;

(5) state the date of issuance of the citation;

(6) state the file number and names of parties;

(7) state the plaintiff's cause of action and relief sought;

(8) be directed to the defendant;

(9) state the name and address of attorney for plaintiff, or if the plaintiff does not have an attorney, the address of plaintiff;

(10) state the day the defendant must appear in person for trial at the court issuing citation, which must not be less than 10 days nor more than 21 days after the petition is filed;

(11) notify the defendant that if the defendant fails to appear in person for trial, judgment by default may be rendered for the relief demanded in the petition;

(12) inform the defendant that, upon timely request and payment of a jury fee no later than 3 days before the day set for trial, or 3 days after service of citation and the petition, whichever is later, the case will be heard by a jury;

(13) include the following statement on the first page of the citation in conspicuous bold print:

Suit to Evict

This suit to evict involves immediate deadlines. A tenant who is serving on active military duty may have special rights or relief related to this suit under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501 et seq.), or state law, including section 92.017, Texas Property Code. Call the State Bar of Texas toll-free at 1-877-9TEXBAR if you need help locating an attorney. If you cannot afford to hire an attorney, you may be eligible for free or low-cost legal assistance.

Failure to appear for trial may result in a default judgment being entered against you.

(14) if the plaintiff has filed a motion for summary disposition under Rule 510.10, include the following statement on the first page of the citation in conspicuous bold print:

The petition includes a motion for summary disposition. If the motion shows there are no genuinely disputed facts that would prevent a judgment in favor of the landlord, the court may enter judgment in favor of the landlord without a trial unless: (1) not later than the fourth day after you are served with the landlord's sworn petition, you file a response setting out supporting facts about why you should not be evicted and providing any applicable documents on which your response relies; and (2) the justice court determines that service on you was proper and, based on the landlord's sworn petition and your response, there are genuinely disputed facts that would prevent a judgment in favor of the landlord.

(15) include the following statement on the first page of the citation bold print: "For more information, consult Rule 510 of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation, and www.TexasLawHelp.org."

(c) *Copies*. The plaintiff must provide enough copies to be served on each defendant. If the plaintiff fails to do so, the clerk may make copies and charge the plaintiff the allowable copying cost.

(d) *Service of Citation.*

(1) Who May Serve. Only a sheriff or constable may serve a citation in an eviction case.

(2) Service by Other Law Enforcement Officer. If the sheriff or constable has not served the citation and petition within 5 business days after the petition's filing, the plaintiff may file with the court a request for issuance of an alias citation to be served by any other law enforcement officer, including an off-duty officer with appropriate identification, who has received appropriate training in the service of process, eviction procedures, and the execution of writs, as determined by the Texas Commission on Law Enforcement.

(A) When such a request is filed with the court, the clerk must immediately issue the alias citation.

(B) The plaintiff will not be entitled to a refund of any service fee and is responsible to the other law enforcement officer for payment of a fee for the service, if any.

(3) Endorsement. The sheriff, constable, or other law enforcement officer must endorse on the citation the date and hour that the sheriff, constable, or other law enforcement officer received the citation.

(4) Method and Timing of Service. The sheriff or constable receiving the citation must make a diligent effort to execute it within 5 business days after the date the petition is filed by delivering a copy with a copy of the petition attached to the defendant, or by leaving a copy with a copy of the petition attached with some person, other than the plaintiff, over the age of 16 years, at the defendant's usual place of residence, at least 4 days before the day the case is set for trial. A citation cannot be served on a Sunday.

(e) *Alternative Service by Delivery to the Premises.*

(1) When Allowed. The citation may be served by delivery to the premises if:

(A) the sheriff, constable, or other law enforcement officer is unsuccessful in serving the citation under (d);

(B) the petition lists all home and work addresses of the defendant that are known to the plaintiff and states that the plaintiff knows of no other home or work addresses of the defendant in the county where the premises are located; and

(C) the sheriff, constable, or other law enforcement officer files a sworn statement that it has made diligent efforts to serve such citation on at least two occasions at all addresses of the defendant in the county where the premises are located, stating the times and places of attempted service.

(2) Method. If the judge authorizes service by delivery to the premises, the sheriff, constable, or other law enforcement officer must, at least 4 days before the day set for trial:

(A) deliver a copy of the citation with a copy of the petition attached to the premises by placing it through a door mail chute or slipping it under the front door; if neither method is possible, the officer may securely affix the citation to the front door or main entry to the premises; and

(B) deposit in the mail a copy of the citation with a copy of the petition attached, addressed to defendant at the premises and sent by first class mail.

(3) Notation on Return. The sheriff, constable, or other law enforcement officer must note on the return of service the date the citation was delivered and the date it was deposited in the mail.

(f) *Return of Service.*

(1) Return of Service Required; Timing. At least one day before the day set for trial, the sheriff, constable, or other law enforcement officer must complete and file a return of service with the court that issued the citation.

(2) Contents. The return, together with any document to which it is attached, must include the following information:

(A) the case number and case name;

(B) the court in which the case is filed;

(C) a description of what was served;

(D) the date and time the process was received for service;

(E) the person or entity served;

(F) the address served;

(G) the date of service or attempted service;

(H) the manner of delivery of service or attempted service;

(I) the name of the person who served or attempted service; and

(J) if service was executed by another law enforcement officer under (d), an attestation that the officer was qualified to serve the citation under Chapter 24 of the Texas Property Code.

(3) Failure to Serve. When the sheriff, constable, or other law enforcement officer has not served the citation, the return must show the diligence used by the sheriff, constable, or law enforcement officer to execute the same and the cause of failure to execute it, and where the defendant is to be found, if ascertainable.

(4) Signature. The sheriff, constable, or other law enforcement officer who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff or constable, the return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is (First) (Middle) (Last), I am at least 18 years old, and my address is (Street), (City), (State) (Zip Code), (Country). I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of ___, on the _____ day of (Month), (Year).

_____
Declarant"

(5) Filing Return. The return and any document to which it is attached must be filed with the court.

RULE 510.9. REQUEST FOR IMMEDIATE POSSESSION

(a) *Immediate Possession Bond.* The plaintiff may, at the time of filing the petition or at any time prior to final judgment, file a possession bond to be approved by the judge in the probable amount of costs of suit and damages that may result to defendant in the event that the suit has been improperly instituted, and conditioned that the plaintiff will pay defendant all such costs and damages that are adjudged against plaintiff.

(b) *Notice to Defendant.* The court must notify a defendant that the plaintiff has filed a possession bond. The notice must be served in the same manner as service of citation and must inform the defendant that if the defendant does not file an answer or appear for trial, and judgment for possession is granted an officer may place the plaintiff in immediate possession of the property after the defendant is served with notice of the judgment.

(c) *Time for Issuance and Execution of Writ.* A writ of possession must issue immediately upon demand and payment of any required fees and may be executed immediately if:

(1) a possession bond has been filed and approved;

(2) notice of the bond under (b) was served at least 7 days prior;

(3) a judgment for possession has been rendered; and

(4) if the defendant fails to appear at trial, the plaintiff has served the judgment in compliance with Rule 510.16(b).

(d) *Effect of Appeal.* If the defendant has perfected an appeal and paid rent into the registry, as required by these rules, then a writ of possession must not issue.

RULE 510.10. REQUEST FOR SUMMARY DISPOSITION

(a) *In a Forcible Entry and Detainer Suit.*

(1) Motion for Summary Disposition. The plaintiff may, at the time of filing a sworn petition alleging a forcible entry and detainer, file a sworn motion for summary disposition without trial. The motion must set out all supporting facts, and all documents on which the motion relies must be attached.

(2) Response; Deadline. The defendant may file a response setting out supporting facts showing why the defendant may not be evicted. The response may provide documents to support it. The defendant must file the response within 4 days after the defendant is served with the petition. The court may consider a late response if the court determines that there are genuinely disputed facts and judgment has not been entered.

(3) No Disputed Facts. After proper service and consideration of the sworn petition and defendant's response, if any, the court may enter judgment for the plaintiff if there are no genuinely disputed facts.

(4) Trial. If the court determines that there are genuinely disputed facts, and a trial setting is not pending, the court must set a trial date at least 10 days after the petition's filing, but within 21 days after the petition's filing. The court may immediately set the case for a trial upon the defendant's request for a trial in response to a motion for summary disposition.

(5) *Judgment.* Judgment entered on a motion for summary disposition has the same effect as any other judgment in an eviction suit and must comply with Rule 510.18.

(6) *Notice*. If a court signs a default judgment or summary disposition judgment under this section, the clerk must immediately mail written notice of the judgment by first class mail to the defendant at the address provided by the plaintiff and, if different, at the address of the premises as provided in Rule 510.16.

(b) *In a Forcible Detainer Suit.* In a suit alleging forcible detainer only—not forcible entry and detainer—a party may file a sworn motion for summary disposition of all or part of a claim or defense without trial. The summary disposition motion, response, hearing, and order are governed by Rule 503.2.

RULE 510.11. ANSWER

(a) *Not Required.* The defendant may, but is not required to, file a written answer with the court on or before the day set for trial in the citation.

(b) *Service; Contents*. If the defendant files a written answer with the court, the defendant must serve a copy of the answer on the plaintiff. The answer must contain:

(1) the name of the defendant; and

(2) the name, address, telephone number, and fax number, if any, of the defendant's attorney, if applicable, or the address, telephone number, and fax number, if any, of the defendant.

(c) *General Denial.* An answer that denies all of the plaintiff's allegations without specifying the reasons is sufficient to constitute an answer or appearance and does not bar the

defendant from raising any defense at trial.

(d) *Answer Docketed.* The defendant's answer must be noted on the court's docket.

RULE 510.12. AMENDING AND CLARIFYING PLEADINGS

(a) *Amending Pleadings.* A party may withdraw something from or add something to a pleading before trial.

(b) *Insufficient Pleadings.* A party may file a motion with the court asking that another party be required to clarify a pleading. The court must determine if the pleading is sufficient to place all parties on notice of the issues in the lawsuit, and may hold a hearing to make that determination. If the court determines a pleading is insufficient, the court must order the party to amend the pleading and set a date by which the party must amend. If a party fails to comply with the court's order, the pleading may be stricken. A pleading amendment must not delay the trial date.

RULE 510.13. PRETRIAL MATTERS

(a) *Motion for New Judge.* If a party believes it cannot get a fair trial before a specific judge, the party may file a sworn motion stating such, supported by the sworn statements of two other credible persons. Except for good cause shown, this motion must be filed at least 3 days before trial. The judge must exchange benches with another qualified judge, or if no judge is available to exchange benches, the county judge must appoint a visiting judge to hear the case. A party may apply for relief under this rule only one time in any given lawsuit.

(b) *Postponing Trial; Limits.* A party may file a motion requesting that the trial be postponed. The motion must state why a postponement is necessary. The judge, for good cause, may postpone any trial for a reasonable time not to exceed 7 days unless the parties agree to the postponement in writing.

(c) *Pretrial Conference; Issues.* If all parties have appeared in a lawsuit, the court, at any party's request or on its own, may set a case for a pretrial conference so long as it does not delay the trial.

(d) *Alternative Dispute Resolution.* The court must not order mediation or any other alternative dispute resolution process if it would delay trial.

(e) *Pretrial Discovery.* Pretrial discovery is limited to that which the judge considers reasonable and necessary. Any requests for pretrial discovery must be presented to the court. Failure to comply with a discovery order can result in sanctions, including dismissal of the case or an order to pay the other party's discovery expenses.

RULE 510.14. SUBPOENAS

(a) *Use*. A subpoena may be used by a party or the judge to command a person or entity to attend and give testimony at a hearing or trial. A person may not be required by subpoena to appear in a county that is more than 150 miles from where the person resides or is served.

(b) *Who Can Issue.* A subpoena may be issued by the clerk of the justice court or an attorney authorized to practice in the State of Texas, as an officer of the court.

(c) *Form.* Every subpoena must be issued in the name of the "State of Texas" and must:

(1) state the style of the suit and its case number;

(2) state the court in which the suit is pending;

(3) state the date on which the subpoena is issued;

(4) identify the person to whom the subpoena is directed;

(5) state the date, time, place, and nature of the action required by the person to whom the subpoena is directed;

(6) identify the party at whose instance the subpoena is issued, and the party's attorney of record, if any;

(7) state that "Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of court from which the subpoena is issued and may be punished by fine or confinement, or both"; and

(8) be signed by the person issuing the subpoena.

(d) *Service: Where, By Whom, How*. A subpoena may be served at any place within the State of Texas by any sheriff or constable of the State of Texas, or by any person who is not a party and is 18 years of age or older. A subpoena must be served by delivering a copy to the witness and tendering to that person any fees required by law. If the witness is a party and is represented by an attorney of record in the proceeding, the subpoena may be served on the witness's attorney of record. Proof of service must be made by filing either:

(1) the witness's signed written memorandum attached to the subpoena showing that the witness accepted the subpoena; or

(2) a statement by the person who made the service stating the date, time, and manner of service, and the name of the person served.

(e) *Compliance Required.* A person commanded by subpoena to appear and give testimony must remain at the hearing or trial from day to day until discharged by the court or by the party summoning the witness. If a subpoena commanding testimony is directed to a corporation, partnership, association, governmental agency, or other organization, and the

matters on which examination is requested are described with reasonable particularity, the organization must designate one or more persons to testify on its behalf as to matters known or reasonably available to the organization.

(f) *Objection.* A person commanded to attend and give testimony at a hearing or trial may object or move for a protective order before the court at or before the time and place specified for compliance. A party causing a subpoena to issue must take reasonable steps to avoid imposing undue burden or expense on the person served. In ruling on objections or motions for protection, the court must provide a person served with a subpoena an adequate time for compliance and protection from undue burden or expense. The court may impose reasonable conditions on compliance with a subpoena, including compensating the witness for undue hardship.

(g) *Enforcement.* Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or of a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both. A fine may not be imposed, nor a person served with a subpoena attached, for failure to comply with a subpoena without proof of service and proof by affidavit of the party requesting the subpoena or the party's attorney of record that all fees due the witness by law were paid or tendered.

RULE 510.15. TRIAL

(a) *Trial Date.* The defendant must appear for trial on the trial day listed in the citation or later trial notice.

(b) *Trial.* An eviction case will be docketed and tried as other cases. No eviction trial may be held until 4 days has passed after service under Rule 510.8.

(c) *Jury Trial Demanded.*

(1) Demand. Any party is entitled to a trial by jury. A written demand for trial by jury must be filed with the court at least 3 days before the trial date or 3 days after service of citation and the petition, whichever is later.

(2) Jury Fee. A party demanding a jury must pay a jury fee or must file a Statement of Inability to Afford Payment of Court Costs under Rule 510.7.

(3) Withdrawal of Demand. If a party who demands a jury and pays the fee withdraws the demand, the case will remain on the jury docket unless all other parties present agree to try the case without a jury. A party that withdraws its jury demand is not entitled to a refund of the jury fee.

(4) No Demand. If no jury is timely demanded by either party, the judge will try the case.

(5) Drawing Jury and Oath. If no method of electronic draw has been implemented, the judge must write the names of all prospective jurors present on separate slips of paper as nearly alike as may be, place them in a box, mix them well, and then draw the names one by one from the box. The judge must list the names drawn and deliver a copy to each of the parties or their attorneys.

(6) Oath. After the draw, the judge must swear the panel as follows: "You solemnly swear or affirm that you will give true and correct answers to all questions asked of you concerning your qualifications as a juror."

(7) Questioning the Jury. The judge, the parties, or their attorneys will be allowed to question jurors as to their ability to serve impartially in the trial but may not ask the jurors how they will rule in the case. The judge will have discretion to allow or disallow specific questions and determine the amount of time each side will have for this process.

(8) Challenge for Cause. A party may challenge any juror for cause. A challenge for cause is an objection made to a juror alleging some fact, such as a bias or prejudice, that disqualifies the juror from serving in the case or that renders the juror unfit to sit on the jury. The challenge must be made during jury questioning. The party must explain to the judge why the juror should be excluded from the jury. The judge must evaluate the questions and answers given and either grant or deny the challenge. When a challenge for cause has been sustained, the juror must be excused.

(9) Challenges Not for Cause. After the judge determines any challenges for cause, each party may select up to 3 jurors to excuse for any reason or no reason at all. But no prospective juror may be excused for membership in a constitutionally protected class.

(10) The Jury. After all challenges, the first 6 prospective jurors remaining on the list constitute the jury to try the case.

(11) If Jury Is Incomplete. If challenges reduce the number of prospective jurors below 6, the judge may direct the sheriff, constable, or clerk to summon others and allow them to be questioned and challenged by the parties as before, until at least 6 remain.

(12) Jury Sworn. When the jury has been selected, the judge must require them to take substantially the following oath: "You solemnly swear or affirm that you will render a true verdict according to the law and the evidence presented."

(13) Jury Not Charged. The judge must not charge the jury.

(d) *Judge to Develop the Case*. A judge may question a witness or party and may summon any person or party to appear as a witness when the judge considers it necessary to ensure a correct judgment and a speedy disposition.

(e) *Exclusion of Witnesses*. The court must, on a party's request, or may, on its own initiative, order witnesses excluded so that they cannot hear the testimony of other witnesses. This rule does not authorize the exclusion of:

(1) a party who is a natural person or the spouse of such natural person;

(2) an officer or employee designated as a representative of a party who is not a natural person; or

(3) a person whose presence is shown by a party to be essential to the presentation of the party's case.

(f) *Docket Called.* On the day of the trial setting, the judge must call all of the cases set for trial that day.

(g) *If Plaintiff Fails to Appear.* If the plaintiff fails to appear when the case is called for trial, the judge may postpone or dismiss the suit.

RULE 510.16 IF DEFENDANT FAILS TO ANSWER OR APPEAR AT TRIAL

(a) *Default Judgment*. If the defendant fails to appear at trial and fails to file an answer before the case is called for trial, and proof of service has been filed in accordance with Rule 510.8, the allegations of the petition must be taken as admitted and judgment by default rendered accordingly. If a defendant who has answered fails to appear for trial, the court may proceed to hear evidence and render judgment accordingly. A default judgment must comply with Rule 510.18.

(b) *Plaintiff Duties.* The plaintiff requesting a default judgment must provide to the clerk in writing the last known email address and mailing address of the defendant at or before the time the judgment is signed. If an email address is known, the plaintiff must serve the judgment by email under Rule 510.5(c)(1)(C). If an email address is not known, the plaintiff must serve the judgment by another method under 510.5. The plaintiff must file with the court a certificate of service under Rule 510.5(c)(4).

(c) *Notice of Default.* When a default judgment is signed, the clerk must immediately send the judgment by email and mail to the defendant at the last known addresses provided by the plaintiff and, if different from the mailing address, to the address of the premises. The clerk must note the fact of such emailing and mailing on the docket. The notice must state the number and style of the case, the court in which the case is pending, the names of the parties in whose favor and against whom the judgment was rendered, and the date the judgment was signed. Failure to comply with the provisions of this rule does not affect the finality of the judgment.

RULE 510.17. APPEARANCES AT COURT PROCEEDINGS

(a) *Participant Method of Appearance.* A judge may allow or require a non-party participant to appear at a court proceeding by videoconference, teleconference, or other available electronic means. A judge may allow—but must not require—a party to appear at a court proceeding by videoconference, teleconference, or other available electronic means if the parties agree.

(b) *Judge Method of Appearance; Location.* A judge may appear at a court proceeding by videoconference, teleconference, or other available electronic means. However, if appearing electronically, a judge must conduct the court proceeding from the judge's office or courtroom at times prescribed by the commissioner's court, as provided by statute.

(c) *Factors.* In determining whether to allow or require electronic participation, the judge should consider factors such as:

(1) case type;

(2) the number of parties and witnesses;

(3) the type of evidence to be submitted, if any;

(4) technological restrictions such as lack of access to or proficiency in necessary technology;

(5) travel restrictions such as lack of transportation, distance, or inability to take off work;

(6) whether a method of appearance is best suited to provide necessary language access services for a person with limited English proficiency or accommodations for a person with a disability;

(7) any previous abuse of a method of appearance; and

(8) any agreement or objection by the parties.

(d) *Notice.* If the judge allows or requires a participant to appear electronically, the judge must provide reasonable written notice of the electronic participation and include the notice in the papers of the case. The notice must contain the information needed for participants to participate in the proceeding, including instructions for joining the proceeding electronically, the court's designated contact information, and instructions for submitting evidence to be considered in the proceeding.

(e) *Open Courts.* If the judge conducts a court proceeding at the judge's office in which all other participants appear electronically, then the judge must:

(1) provide reasonable notice to the public of how to observe the court proceeding; and

(2) provide the public the opportunity to observe the court proceeding, unless the judge has determined that the proceeding must be closed to protect an overriding interest, considered all less-restrictive alternatives to closure, and made findings in a written order adequate to support closure.

RULE 510.18. JUDGMENT; WRIT; NO NEW TRIAL

(a) *Judgment Upon Jury Verdict.* Where a jury has returned a verdict, the judge may render judgment on the verdict or, if the verdict is contrary to the law or the evidence, judgment notwithstanding the verdict.

(b) *Judgment in Case Tried by Judge.* When a case has been tried before the judge without a jury, the judge must announce the decision in open court, note the decision in the court's docket, and render judgment accordingly.

(c) *Form.* A judgment must:

(1) clearly state the determination of the rights of the parties in the case;

(2) state who must pay the costs;

(3) be signed by the judge;

(4) be dated the date of the judge's signature;

(5) state: "You may appeal this judgment by filing a bond, making a cash deposit, or filing a Statement of Inability to Afford Payment of Court Costs within 5 days after this judgment was signed. See Texas Rule of Civil Procedure 510.19(c).";

(6) if it awards monetary damages, state: "If you are an individual (not a company), your money or property may be protected from being taken to pay this judgment. Find out more by visiting www.texaslawhelp.org/exempt-property. *Si usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos de ser embargados como pago de esta deuda decretada en juicio en contra suya. Obtenga mayor información visitando el sitio* www.texaslawhelp.org/exempt-property."

(d) *Judgment for Plaintiff.* If the judgment is in favor of the plaintiff, the judge must render judgment for plaintiff for possession of the premises, costs, delinquent rent as of the date of entry of judgment, if any, and attorney fees if recoverable by law.

(e) *Judgment for Defendant.* If the judgment is in favor of the defendant, the judge must render judgment for defendant against the plaintiff for costs and attorney fees if recoverable by law.

(f) *Determination of Rent and Rental Pay Period.* If the justice court enters judgment for the landlord in a residential eviction case, the court must determine the amount of rent to be paid by the defendant each rental pay period during the pendency of any appeal in accordance with the terms of the rental agreement and applicable laws and regulations, and must note that amount in the judgment. If there is no oral or written rental agreement, the court must determine:

(1) the rental pay period; and

(2) the amount of rent to be paid by the defendant in each rental pay period, which must be the greater of:

(A) $250; or

(B) the fair market rent, if determined by the court.

(g) *Writ.* If the judgment or verdict is in favor of the plaintiff, the judge must award a writ of possession upon demand of the plaintiff and payment of any required fees. The issuance of a writ of possession upon a proper and timely demand is a ministerial act not subject to review or delay. The plaintiff bears the costs of issuing and executing the writ of possession.

(1) Time to Issue. Except as provided by Rule 510.9, no writ of possession may issue before the 6th day after the date a judgment for possession is signed or the day following the deadline for the defendant to appeal the judgment, whichever is later. A writ of possession may not issue more than 60 days after a judgment for possession is signed. For good cause, the court may extend the deadline for issuance to 90 days after a judgment for possession is signed.

(2) Time to Execute. A writ of possession may not be executed after the 90th day after a judgment for possession is signed.

(3) Effect of Appeal. A writ of possession must not issue if an appeal is perfected and, if applicable, rent is paid into the registry, as required by these rules.

(4) Who May Execute. Except as provided in (5), the writ must be executed by a sheriff or constable.

(5) Service by Other Law Enforcement Officer. If the sheriff or constable has not served the writ within 5 business days after it is issued, the plaintiff may file with the court a request for issuance of a replacement writ to be served by any other law enforcement officer, including an off-duty officer with appropriate identification, who has received appropriate training in the service of process, eviction procedures, and the execution of writs, as determined by the Texas Commission on Law Enforcement. When such a request is filed with the court, the clerk must immediately issue the replacement writ and provide it to the plaintiff.

(h) *Enforcement of Judgment.* Justice court judgments are enforceable in the same method as in county and district court, except as provided by law.

(i) *No Motion For New Trial.* No motion for new trial may be filed.

(j) *Post-judgment Discovery.* Post-judgment discovery is not required to be filed with the court. The party requesting discovery must give the responding party at least 30 days to respond to a post-judgment discovery request. The responding party may file a written objection with the court within 30 days of receiving the request. If an objection is filed, the judge must hold a hearing to determine if the request is valid. If the objection is denied, the judge must order the party to respond to the request. If the objection is upheld, the judge may reform the request or dismiss it entirely.

RULE 510.19. APPEAL

(a) *How Taken; Time.* A party may appeal a judgment in an eviction case by filing a bond, making a cash deposit, or filing a Statement of Inability to Afford Payment of Court Costs under (c) with the justice court within 5 days after the judgment is signed. A defendant who files an appeal must affirm, under penalty of perjury, the defendant's good faith belief that the defendant has a meritorious defense and that the appeal is not for the purpose of delay. Such affirmation is not reviewable by the justice court. An appeal is perfected when a bond, cash deposit, or Statement of Inability to Afford Payment of Court Costs is timely filed with the justice court.

(b) *Amount of Security; Terms.* The justice court judge will set the amount of the bond or cash deposit to include the items enumerated in Rule 510.21, taking into consideration the money required to be paid into the court registry in a residential eviction appeal. 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.

(c) *Statement of Inability to Afford Payment of Court Costs.*

(1) Filing. An appellant who cannot furnish a bond or pay a cash deposit in the amount required may instead file a Statement of Inability to Afford Payment of Court Costs. The Statement must be on the form approved by the Supreme Court or include the information required by the Court-approved form. A party who perfects an appeal of a justice court judgment with a Statement of Inability to Afford Payment of Court Costs is not required to pay the county court filing fee or file an additional Statement of Inability in the county court to waive costs on appeal.

(2) Contest. The Statement may be contested as provided in Rule 510.7 within 5 days after the opposing party receives notice that the Statement was filed.

(3) Appeal If Contest Sustained. If the contest is sustained, the appellant may appeal that decision by filing notice with the justice court within 5 days of that court's written order. The justice court must then forward all related documents to the county court for resolution. The county court must set the matter for hearing within 5 days and hear the contest de novo, as if there had been no previous hearing, and, if the appeal is granted, must direct the justice court to transmit to the clerk of the county court the transcript, records, and papers of the case, as provided in these rules.

(4) If No Appeal or If Appeal Overruled. If the appellant does not appeal the ruling sustaining the contest, or if the county court denies the appeal, the appellant may, within one business day, post an appeal bond or make a cash deposit in compliance with this rule.

(d) *Payment of Rent in Appeals.*

(1) Notice. If a defendant appeals a residential eviction, the justice court must provide to the defendant a written notice at the time the appeal is filed that contains the following information in bold or conspicuous type:

(A) the initial rent amount as stated in the judgment that the defendant must pay into the justice court registry;

(B) whether the initial rent payment must be paid in cash, cashier's check, or money order, and to whom the cashier's check or money order, if applicable, must be made payable;

(C) the calendar date by which the initial rent payment must be paid into the justice court registry, which must be within 5 days of the date the appeal is filed;

(D) for a justice court that closes before 5 p.m. on the date specified in (C), the time the court closes;

(E) that, after the initial rent payment, the defendant must pay the rent amount stated in the judgment on or before the beginning of each rental pay period during the pendency of the appeal, into the justice or county court registry, according to the court in which the case is pending at the time of payment;

(F) whether the rent that must be paid on or before the beginning of each rental pay period must be paid in cash, cashier's check, or money order, and to whom the cashier's check or money order, if applicable, must be made payable;

(G) the calendar dates by when the rent must be paid on or before the beginning of each rental pay period during the pendency of the appeal into the justice

court or county court registry, as applicable, according to the court in which the case is pending at the time of payment;

(H) for a justice court or county clerk's office that closes before 5 p.m. on the dates specified in (G), the time the court or office closes; and

(I) a statement that failure to pay the required amount into the justice court or county court registry by the required dates may result in the court issuing a writ of possession without hearing.

(2) Defendant May Remain in Possession. A defendant who appeals a residential eviction is entitled to stay in possession of the premises during the pendency of the appeal by complying with the following procedure:

(A) Within 5 days of the date that the defendant files an appeal, they must pay into the justice court registry the amount in the notice provided at the time the defendant filed the appeal.

(B) During the appeal process the defendant must pay the rental amount on or before the beginning of each rental pay period, as designated in the notice provided at the time the defendant filed the appeal, into the justice court or county court registry, depending on the court in which the case is pending at the time of payment .

(C) If a government agency is responsible for all or a portion of the rent, the defendant must pay only that portion of the rent determined by the justice court to be paid during appeal. Either party may contest the portion of the rent that the justice court determines must be paid into the county court registry by filing a contest within 5 days after the judgment is signed. If a contest is filed, the justice court must notify the parties and hold a hearing on the contest within 5 days.

(D) If the defendant fails to pay the designated amount into the justice or county court registry within the time limits prescribed by these rules and the justice court provided notice required by Rule 510.16, the plaintiff may request a writ of possession from the court in which the case is pending, and upon determining that the defendant has failed to pay the designated amount, the court shall issue the writ without a hearing.

(E) The justice court or county court, as applicable, shall disburse rent paid into the justice court or county court registry to the landlord on request at any time during or after the pendency of the appeal.

(F) A defendant's payment of rent into a court registry relieves them of the obligation to pay rent to the landlord for the rental pay period for which the payment is made.

(G) All requests and motions under this subparagraph are entitled to precedence in the county court.

(e) *Notice to Other Parties Required.* If a Statement of Inability to Afford Payment of Court Costs is filed, the court must provide notice to all other parties that the Statement was filed no later than the next business day. Within 5 days of filing a bond or making a cash deposit, an appellant must serve written notice of the appeal on all other parties using a method approved under Rule 501.5.

(f) *No Default on Appeal Without Compliance With Rule.* No judgment may be taken by default against the adverse party in the court to which the case has been appealed without first showing substantial compliance with this rule.

(g) *No Dismissal of Appeal Without Opportunity for Correction.* An appeal must not be dismissed for defects or irregularities in procedure, either of form or substance, without allowing the appellant, after 7 days' notice from the court, the opportunity to correct such defect.

(h) *County Court Filing Fees.* The appellant must pay the county court filing fee on appeal to a county court. If the appellant fails to pay the filing fee within 7 days after being notified to do so by the county clerk, the appeal is not perfected, and the county clerk must return all papers in the cause to the justice court having original jurisdiction and the justice court must proceed as though no appeal had been attempted. An appellant who perfects an appeal of a justice court judgment with a Statement of Inability to Afford Payment of Court Costs is not required to pay the county court filing fee or file an additional Statement in the county court to waive costs on appeal.

RULE 510.20. RECORD ON APPEAL; DOCKETING; TRIAL DE NOVO

(a) *Preparation and Transmission of Record.* Unless otherwise provided by law or these rules, when an appeal has been perfected, the judge must stay all further proceedings on the judgment and the court must forward to the county court, by electronic means or otherwise, not earlier than 4 p.m. on the sixth day or later than 4 p.m. on the 10th day after the date the tenant files the appeal, the transcript and the original papers of the case, together with any money in the court registry. If the court confirms that the tenant has timely paid the initial rent payment into the justice court registry in accordance with Rule 510.19(d)(2)(A), the court may forward the transcript and original papers immediately.

(b) *Docketing; Notice.* The county clerk must docket the case and must immediately notify the parties of the date of receipt of the transcript and the docket number of the case. If the appellant did not perfect the appeal with a Statement of Inability to Afford Payment of Court Costs, the county clerk must also immediately notify the appellant of the requirement to pay a filing fee or file a Statement of Inability to Afford Payment of Court Costs.

(c) *Trial De Novo.* The county court shall hold a trial not later than the 21st day after the date the transcript and original papers are delivered to the county court. The case must be tried de novo in the county court. The case must be tried de novo in the county court. A trial de novo is a new trial in which the entire case is presented as if there had been no previous trial. The trial, as well as any hearings and motions, is entitled to precedence in the county court.

(d) *Nonlawyer Representation.* In an appeal of an eviction suit for nonpayment of rent, an owner of a multifamily residential property may be represented by the owner's authorized agent, who need not be an attorney.

RULE 510.21. DAMAGES ON APPEAL

On the trial of the case in the county court the appellant or appellee will be permitted to plead, prove and recover his damages, if any, suffered for withholding or defending possession of the premises during the pendency of the appeal. Damages may include but are not limited to loss of rentals during the pendency of the appeal and attorney fees in the justice and county courts provided, as to attorney fees, that the requirements of Section 24.006 of the Texas Property Code have been met. Only the party prevailing in the county court will be entitled to recover damages against the adverse party. The prevailing party will also be entitled to recover court costs and to recover against the sureties on the appeal bond in cases where the adverse party has executed an appeal bond.

RULE 510.22. JUDGMENT ON APPEAL

A judgment issued by the county court must set the amount of the supersedeas bond that an appellant must pay to stay the execution of the judgment, taking into consideration the value of rents likely to accrue during appeal, damages which may occur as a result of the stay during appeal, and other damages or amounts as the court may deem appropriate.

RULE 510.23. WRIT OF POSSESSION ON APPEAL

The writ of possession, or execution, or both, will be issued by the clerk of the county court according to the judgment rendered, and the same will be executed by the sheriff or constable, as in other cases. The judgment of the county court may not be stayed unless within 10 days from the judgment the appellant files a supersedeas bond in an amount set by the county court pursuant to Rule 510.22.

RULE 510.24. ADMINISTRATIVE RULES FOR JUDGES AND COURT PERSONNEL

(a) *Plenary Power.* A justice court loses plenary power to modify or vacate a judgment upon the earlier of:

(1) the date an appeal is perfected; or

(2) the date after the deadline to appeal.

(b) *Local Rules.* A court may adopt local rules, forms, or standing orders in accordance with Rule 3a of the Texas Rules of Civil Procedure and Rule 10 of the Texas Rules of Judicial Administration. A court must not adopt local rules, forms, or standing orders that:

(1) require content in or with the petition other than the content required by Rule 510.6;

(2) authorize the dismissal of an eviction suit on the basis that the petition is improper if the petition meets or can be amended to meet the requirements of Rule 510.6;

(3) require mediation, pretrial conference, or other proceeding before trial.

(c) *Examination of Rules.* The court must make Rule 510, local rules, forms, and standing orders available on the court's website and for examination in person, either in paper form or electronically, during the court's business hours.

(d) *Forms.* The court may provide forms to enable a party to file documents that comply with these rules but must not require the use of such forms. Such forms must not conflict with state law or these rules.

(e) *Docket.* Each judge must keep a civil docket in a permanent record containing the following information:

(1) the title of all suits commenced before the court;

(2) the date when the first process was issued against the defendant, when returnable, and the nature of that process;

(3) the date when the parties, or either of them, appeared before the court, either with or without a citation;

(4) a description of the petition and any documents filed with the petition;

(5) every adjournment, stating at whose request and to what time;

(6) the date of the trial, stating whether the same was by a jury or by the judge;

(7) the verdict of the jury, if any;

(8) the judgment signed by the judge and the date the judgment was signed;

(9) all applications for setting aside judgments or granting new trials and the orders of the judge thereon, with the date;

(10) the date of issuing execution, to whom directed and delivered, and the amount of debt, damages and costs and, when any execution is returned, the date of the return and the manner in which it was executed; and

(11) all stays and appeals that may be taken, and the date when taken, the amount of the bond and the names of the sureties.

(f) *Other Records.* The judge must also keep copies of all documents filed; other dockets, books, and records as may be required by law or these rules; and a fee book in which all costs accruing in every suit commenced before the court are taxed.

(g) *Form of Records.* All records required to be kept may be maintained electronically.

(h) *Issuance of Writs.* Every writ from the justice courts must be in writing and be issued and signed by the clerk under seal of court or by the judge. The style thereof must be "The State of Texas." It must, except where otherwise specially provided by law or these rules, be directed to the person or party upon whom it is to be served, be made returnable to the court, and note the date of its issuance. The issuance of a writ of possession is a ministerial act not subject to review or delay.

Notes and Comments

Comment to 2026 change: Rule 510 has been completely rewritten as a standalone rule to implement changes to chapter 24 of the Texas Property Code. Rule 510 is the only rule that governs eviction cases; the rules that govern procedures in justice court generally—Rules 500 to 507—do not apply.

PART VI - RULES RELATING TO ANCILLARY PROCEEDINGS

SECTION 1. ATTACHMENT

RULE 592. APPLICATION FOR WRIT OF ATTACHMENT AND ORDER

Either at the commencement of a suit or at any time during its progress the plaintiff may file an application for the issuance of a writ of attachment. Such application shall be supported by affidavits of the plaintiff, his agent, his attorney, or other persons having knowledge of relevant facts. The application shall comply with all statutory requirements and shall state the grounds for issuing the writ and the specific facts relied upon by the plaintiff to warrant the required findings by the court. The writ shall not be quashed because two or more grounds are stated conjunctively or disjunctively. The application and any affidavits shall be made on personal knowledge and shall set forth such facts as would be admissible in evidence; provided that facts may be stated based upon information and belief if the grounds of such belief are specifically stated.