

# **TOM GREEN COUNTY CONSTABLE PRECINCT 1**

## **RULES FOR WRIT OF POSSESSION**

- 1. THE PLAINTIFF IS RESPONSIBLE FOR FURNISHING 4 OR MORE ABLE BODIED PERSONNEL IN ORDER TO ACCOMPLISH A MOVE WITHIN A TIMELY MANNER. MOVES EXCEEDING TWO HOURS WILL BE SUBJECT TO A FEE OF \$35 PER HOUR PER OFFICER FOR THE REMAINDER OF THE MOVE.**
- 2. A WRIT OF POSSESSION WILL NOT BE EXECUTED IF IT IS RAINING, SLEETING, OR SNOWING. (NO EXCEPTIONS).**
- 3. THE LANDLORD OR THEIR REPRESENTATIVES WILL NOT ENTER THE PREMISES AND START MOVING OR PACKING UNTIL THE OFFICER CHECKS THE PREMISES. ENTERING THE PROPERTY PRIOR TO THE ARRIVAL OR DIRECTION OF THE OFFICER SERVING THE WRIT MAY EXPOSE YOU TO CIVIL AND/OR CRIMINAL PENALTIES. IF THE PREMISES HAVE ALREADY BEEN ENTERED AND/OR ITEMS HAVE ALREADY BEEN MOVED OR PACKED THE OFFICER WILL LEAVE AND THE WRIT WILL BE RETURNED UNSERVED LEAVING THE TENANT IN POSSESSION OF THE PROPERTY.**
- 4. THE OFFICER EXECUTING THE WRIT OF POSSESSION IS IN CHARGE AND WILL DETERMINE HOW AND WHEN THE POSSESSION WILL BE CONDUCTED AND WHERE THE ITEMS THAT ARE BEING REMOVED WILL BE PLACED.**
- 5. THE PLAINTIFF WILL STAGE AT A LOCATION PREDETERMINED BY THE OFFICER IN CHARGE AND WILL NOT APPROACH THE RESIDENCE UNTIL OFFICERS HAVE CLEARED AND DEEMED IT SAFE.**
- 6. THE PLAINTIFF WILL PROVIDE OFFICERS EXECUTING THE WRIT A KEY TO THE RESIDENCE IF AVAILABLE. IF NO KEY IS AVAILABLE OR THE RESIDENCE IS LOCKED FROM THE INSIDE, OFFICERS MAY BREACH THE DOOR FOR THE SAFETY OF ALL INVOLVED.**
- 7. THE PLAINTIFF WILL FURNISH BOXES AND OR BAGS TO PLACE LOOSE ITEMS IN TO BE PLACED OUTSIDE OF THE PREMISES.**
- 8. ONCE THE WRIT IS STARTED IT WILL PROCEED UNTIL ALL ITEMS ON THE PREMISES HAVE BEEN REMOVED AND PLACED AT A LOCATION APPROVED BY THE OFFICER IN CHARGE. (ALL ITEMS MEANS JUST THAT- EVERYTHING.)**
- 7. PLACE PERSONAL PROPERTY OUTSIDE THE PREMISES AT A NEARBY LOCATION BUT NOT BLOCKING A PUBLIC SIDEWALK, PASSAGEWAY, ALLEY AND/OR STREET.**
- 8. ITEMS SUCH AS PRESCRIPTION DRUGS, HAZARDOUS MATERIAL, WEAPONS, GUNS, AMMUNITION ETC... SHOULD NOT BE PLACED OUTSIDE THE PROPERTY. IMMEDIATELY NOTIFY OFFICER AT THE SCENE AND A DETERMINATION WILL BE MADE ON SUCH ITEMS.**
- 9. IF THE PLAINTIFF OR REPRESENTATIVES FAIL TO ARRIVE AT THE TIME DESIGNATED BY THE OFFICER IN CHARGE, THE WRIT WILL BE RETURNED UNSERVED LEAVING THE TENANT IN POSSESSION OF THE PROPERTY.**
- 10. IF THE PLAINTIFF OR REPRESENTATIVES STOP THE WRIT AT ANY TIME AFTER IT STARTS, THE WRIT WILL BE RETURNED UNSERVED LEAVING THE TENANT IN POSSESSION OF THE PROPERTY.**
- 11. OFFICERS ARE NOT RESPONSIBLE FOR ANY DAMAGES INCURRED DURING THE SERVICE OF THE WRIT. (Property Code 24.0061; Civil Practice and Remedies Code 7.003)**
- 12. NON-COMPLIANCE TO RULES OR DIRECTIONS OF THE OFFICER SERVING THE WRIT MAY RESULT IN THE WRIT BEING RETURNED UNSERVED LEAVING THE TENANT IN POSSESSION OF THE PROPERTY.**