

Instructions For Application for Order of Retrieval

Chapter 24A of the Texas Property Code establishes a procedure by which an affected party can petition a justice court to obtain the assistance of a peace officer to gain access to a residence or former residence to retrieve specific items of personal property.

If you are unable to enter your residence or your former residence to retrieve personal property belonging to you or your dependent because the current occupant is denying you entry, you may apply to the justice court for an order authorizing you to enter the residence accompanied by a sheriff, a constable or their deputies to retrieve specific items of personal property. Only items listed on page 2 of the Application may be retrieved under this order:

***** Important*****

If the items you are requesting are not listed on page 2 of the Application, an Order of Retrieval **CAN NOT** be issued. Seek other legal remedies to obtain any items not listed above.

If you are under a Court Order, Restraining Order, Emergency Protective Order, or any other Order prohibiting you from the location of your property or the Occupant (resident) residing at the location of your property, an Order of Retrieval **CAN NOT** be issued.

What you need to file:

- ▶ Complete this application in its entirety.
- ▶ Cost to file is **\$54.00 + \$100.00** for posting of the Hearing Notice = **\$154.00 due at filing**
- ▶ A hearing will be set within 2 days of the application being filed.
- ▶ At the Hearing you will be required to post a bond if the Order for Retrieval is issued. If you are planning on using Individual Sureties, they will be required to appear at the hearing.
- ▶ If an Order for Retrieval is issued by the Court, you will be required to pay a fee of **\$100.00** for the execution of the order.

CAUSE NO. _____

IN THE MATTER OF

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IN THE JUSTICE COURT

APPLICANT

PRECINCT _____

_____ COUNTY, TEXAS

APPLICATION FOR WRIT OF RETRIEVAL

The undersigned Applicant makes this Application for a Writ of Retrieval of personal property found at the following location, which is a residence in which Applicant is, or was previously, authorized to occupy ("Residence"):

LOCATION OF RESIDENCE:

Occupant is _____, who is currently occupying the Residence and may be given notice of this Application at the above-listed Residence or at the following address(es):

Fax: _____

Phone: _____

E-Mail: _____

The following is a **listing and specific description** of the items that I seek to be allowed to retrieve from the Residence (*Attach separate sheet, if necessary*):

I certify that all of the following statements are true:

- The items listed in this Application are **only** of the following types:
 - medical records;
 - medicine and medical supplies;
 - clothing;
 - child-care items;
 - legal or financial documents;
 - checks or bank or credit cards in my name;
 - employment records;
 - personal identification documents;
 - copies of electronic records containing legal or financial documents;
 - assistance animals or service animals, as defined by Section 121.002, Human Resources Code, used by me or my dependents;
 - wireless communication devices, as defined by Section 545.425(a), Transportation Code, belonging to me or my dependents;
 - tools, equipment, books, or apparatus used by me in my trade or profession.
- I will suffer personal harm and/or the personal health and safety of myself or others within my care will likely be at risk if I am unable to retrieve the items, and I have an urgent need to retrieve the items from the Residence.
- I have attached a lease, sworn statement or other documentary evidence showing that I am, or was previously, authorized to occupy the Residence. I am currently unable to enter the Residence because the current Occupant named above has denied me access to the Residence or poses a clear and present danger of family violence to myself or my dependents.
- I am not the subject of an active protective order under Family Code Title 4, a magistrate's order for emergency protection under Code of Criminal Procedure Article 17.292, or any court order prohibiting my entry into the Residence; or otherwise prohibited by law from entering into the Residence.
- I and the current Occupant are not parties to a pending divorce or annulment case under Title 1, Family Code.

- My right to possession of the items described in this application is not subject to a decree of divorce or annulment to which I and the current Occupant are parties.

I request that this Writ of Retrieval be issued ex parte (*without notice to the current occupant of the Residence*), because the following facts are true:

- The current Occupant of this Residence poses a clear and present danger of family violence to me; and
- My dependent or I will suffer immediate and irreparable personal harm if the application is denied.

APPLICANT:

Applicant's Signature

Date

Address & Phone Number