



WRIT OF POSSESSION

Landlord/Owner Information

TOM SELMAN
Constable

A Writ of Possession is an order from the Court which has previously made a ruling in favor of a landlord in an eviction case. The Writ directs the constable to seize or take control of the premises subject to the order and turn it over into the landlord's possession. In other words, the constable will be forcing the tenant out who has refused to vacate after the Court has ordered the eviction. In order for the Landlord or Property Owner to have a clear understanding of the procedure that follows the issuance of the Writ, see steps below:

1. Constable will receive the Writ of Possession after the Judge signs the Writ. Constable usually will go to the location and post the Writ the same day as issuance but no later than the following day in most cases. After Writ is posted to the premises or given to the tenant, a minimum of 24 hours must pass before the Writ can be enforced. Most Writs are received by the constable in the afternoon, so, tenant is usually given until 8am of the day after the 24 hours has passed. **The 24 hours does not start when the landlord comes to the JP Office to request the Writ.** Writ has to be issued by the clerk, signed by the Judge, received by the constable and then posted at the premises before the time starts. If a Writ is issued on Tuesday, for example, and constable posted it Tuesday afternoon, tenant will usually be given until Thursday morning at 8am to have vacated the premises. Writs issued on Thursdays are usually executed on Monday. This Writ Execution timeline is somewhat standard procedure by this office but if there is some special circumstance, we can discuss the matter.
2. Constable's role in the execution of the Writ is to keep the peace, turn the premises over into the landlord/owner's control and make sure that personal property of the tenant that is removed is handled according to the Texas Property Code. All personal property will be moved by the landlord or his agent(s) and usually placed near the curb or by the street. Landlord is responsible for obtaining the manpower necessary to move the property to the curb. Neither the constable nor the landlord will take or keep any of the evicted tenant's property. There is no specific time duration for the property to remain by the curb.
3. **Execution of the Writ is initiated by the Landlord/Owner, not the constable.** Landlord procedure is to check their property to see if the tenant obeyed the Writ and vacated after the time given, usually 8am of the 2nd day after the Writ was requested. If the landlord finds that the tenant has left and taken all of his belongings with him, landlord can take control at that time without constable. If tenant has refused to leave, landlord would then contact the constable to arrange a time to meet at the location to remove the tenant and their property. A move-out involves the landlord having the manpower present to move the property to the curb in a reasonable time frame. Landlords who do not arrange for the appropriate manpower relative to the size of the job can be charged an additional fee for the constable's services if an inordinate amount of time passes before the move-out is complete.

The information above constitutes the normal procedure for execution of the Writ of Possession. The key to an efficient execution is good communication. Landlord is encouraged to call the constable and make arrangements for taking possession of the property. Constable gets many Writs and has other duties so he relies on the landlord to request execution. Constable is usually always available by phone and may be reached at (936) 465-0326 during reasonable day and evening hours.