



Applicants Guide to Order of Entry and Property Retrieval



Courtesy of Angelina County Constable Precinct One

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 on the following list may be retrieved under this order:

- A) medical records
- B) medicine and medical supplies
- C) clothing
- D) child-care items
- E) legal or financial documents
- F) checks or bank or credit cards in your name
- G) employment records
- H) personal identification documents

In the court filing, you must:

- 1) certify that you are unable to enter the residence because the current occupant of the residence has denied the you access to the residence.
- 2) certify that you are not the subject of an active protective order under Title 4, Texas Family Code, a magistrate's order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure, or another court order prohibiting entry to the residence or that you are not otherwise prohibited by law from entering the residence.
- 3) allege that you or your minor dependent requires personal items located in the residence
- 4) describe with specificity the items that you intend to retrieve (in the categories listed above).
- 5) allege that the you or your dependent will suffer personal harm if the items are not retrieved
- 6) include a lease or other documentary evidence that shows you are currently or were formerly authorized to occupy the residence.
- 7) execute a bond that has 2 or more good and sufficient non-corporate sureties or one corporate surety authorized to issue bonds in Texas that is payable to the occupant of the residence in an amount required by the justice of the peace that is conditioned on you paying all damages and costs adjudged against you for wrongful property retrieval.
- 8) deliver to and file the bond with the justice of the peace considering the order for his approval.
- 9) pay a filing fee of \$41.00 and a fee for the posting of the notice of hearing of \$35.00.

Once the above conditions have been met, a court hearing will be scheduled and you will be advised of the time and date of the hearing which normally will just be a matter of days. When the hearing is held, the judge will consider your application and, if granted, will issue an Order to the sheriff or constable to accompany you to take possession of the property described in the Order. A fee of \$35.00 must be paid to the court clerk for the officer to execute the Order if the Judge grants it. You will then go with the officer and will follow his procedures for the execution of the Order. A receipt detailing the items retrieved will be issued by the officer and a copy given to each party with the original going back to the court.

ONLY THE ITEMS SPECIFIED BY THE JUDGE IN THE ORDER MAY BE RETRIEVED UNDER THE OFFICER'S SUPERVISION