



TENANT'S GUIDE TO UNDERSTANDING A WRIT OF POSSESSION

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. A tenant who does not vacate is ignoring or not respecting the ruling of the Judge who ordered the eviction. In our legal system, court orders are binding on the individuals subject to the order. The constable has a duty to serve the Court and will enforce the Court's orders.

1. 24 Hours after the Writ is posted (even if no one is home), the landlord is entitled to receive possession of the property. The constable will arrive to see that the landlord takes possession and to remove the tenants if they continue to remain on the property.
2. Any personal property that the tenant has not removed when the constable arrives will be handled according to provisions in the Texas Property Code. The Property Code states that the tenant's possessions can be moved to the curb or beside the street. This is the procedure in this jurisdiction. All personal property will be moved by the landlord or his agent(s) out to the street. Neither the constable nor the landlord will take or keep any of the evicted tenant's property.
3. Property placed by the street under the execution of the Writ is done so at the tenant's risk. Tenant's failure to remove their property after being evicted is negligence or abandonment on their part. Tenant is solely responsible for their property and indifference or failure to act on the eviction can result in loss of property when it is placed outside. Neither the constable nor the landlord have any responsibility for loss or damage to tenant's personal belongings. Usually, property placed at the curb disappears after the constable leaves.
4. Tenant will not be allowed inside the premises once the constable arrives and the forced eviction begins. Landlord will usually change the locks on the doors.
5. Tenants remaining may be given a Criminal Trespass Warning for the property if the landlord requests. Failure to comply with a request to leave the property after a Trespass Warning is issued will result in the arrest of those who refuse to comply.

If you are subject to a Writ of Possession and have remained on the premises with your property after ignoring the order of the eviction issued by the Court, immediate action is required on your part to spare the consequences of the execution of the Writ as outlined above.

There will be no delays or extensions on the part of the constable in the execution of the Writ.

This guide is intended to advise the tenant subject to the Writ what will occur so there is no misunderstanding about the procedure involved when a Writ of Possession is executed upon the property.

[This information is provided as a courtesy to tenant by Constable, Precinct One, Angelina County](#)