

Application for Writ 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 on the following list may be retrieved under this order:

- ◆ 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.

***** Important*****

If the items you are requesting are not listed above, a Writ 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, a Writ of Retrieval can NOT be issued.

What you need to file:

- ▶ Complete this application in its entirety and file it and the required evidence/documents with the Court.
- ▶ Cost to file is \$54.00 + \$35.00 for posting of the Hearing Notice = **\$ 89.00 due at filing**
- ▶ A hearing will be set within 2 to 3 business 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 Writ of Retrieval is issued by the Court, you will be required to pay an additional fee of **\$100.00** for the execution of the order.

CASE NO. _____

Application for Writ of Retrieval

Applicant Name: _____ DOB: _____ DL No. _____

Applicant's Current Address: _____
Street Address City St Zip

Applicant's Phone No. (_____) _____ - _____ Hm Cell Wk

Applicant's Employer: _____ Ph. No. _____

Applicant's Employer's Address _____

Applicant's Employer's Phone Number: (_____) _____ - _____

Respondent's Name: _____ DOB: _____ DL No. _____

What is your relationship with the Respondent? _____

Respondent's Address: _____
Street Address City St Zip

Respondent's Phone Number: (_____) _____ - _____ Hm Cell Wk

Respondent's Employer: _____

Respondent's Employer's Address: _____

Respondent's Employer's Phone Number: (_____) _____ - _____

Is the Respondent currently available to be notified of the hearing? Yes No

Address where the property you are requesting is located:

Street Address City St Zip

Check items that you are requesting.

- 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.

(If any items that you are requesting are not listed above, a Writ of Retrieval can NOT be issued. Seek alternative legal remedies to obtain any property NOT listed above.)

CERTIFICATION/ATTESTATION

I, _____, certify that all of the following statements are true:
Print Name

- 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.

