

COLLIN COUNTY COURT AT LAW 5
Notice Regarding Applications to Appoint Receiver

Post-judgment applications for appointment of a receiver should comply with all applicable rules and statutes, including but not limited to Chapters 31 and 64 of the Texas Civil Practice & Remedies Code and Texas Rules of Civil Procedure 679a and 679b, where applicable.

Applications should be verified and supported by proof of necessary facts (e.g., the judgment debtor owns non-exempt property (including present or future rights to property). The application should include confirmation the requested receiver satisfies the statutory requirements to qualify as a receiver (the requested receiver is a citizen and qualified voter of Texas at the time of appointment; is not a party, attorney or other person interested in the action; and 3) will maintain actual residence in Texas during the receivership). The application should also provide proof of the requested receiver's credentials and experience as a receiver.

The proposed order appointing receiver should substantially track the attached form of order (i.e., ***Order Appointing Receiver approved by the Supreme Court of Texas in Misc. Dkt. No. 22-9031***). At a minimum, the proposed order should include the information required to complete the attached form of order, including but not limited to the information required to fill in the blanks in the introductory paragraph (e.g., amount of judgment, interest rate, and credits, payments, and offsets).

The fact that this notice does not set forth each and every requirement that must be satisfied for purposes of appointment of a receiver is not intended to relieve the applicant from having to satisfy all such requirements. Nor does compliance with the above-stated preferred pleading practices guarantee that the application will be granted.

Appointment of receivers is within the Court's discretion. The Court is not required to appoint a receiver, reserves its right of discretion to deny the application, and may or may not order alternative relief.

[May 2024]

Cause No. _____

_____	§	In the Justice Court
Plaintiff (Judgment Creditor)	§	
	§	
	§	
v.	§	Precinct _____
	§	
	§	
_____	§	
Defendant (Judgment Debtor)	§	_____ County, Texas

Order Appointing Receiver

The court has considered Judgment Creditor's Application for Appointment of a Receiver under Texas Civil Practice and Remedies Code § 31.002. After reviewing the evidence and the court's file, the court **FINDS** that the judgment rendered in Cause No. _____ is valid, final, and fully payable. The judgment awarded was \$_____, including costs, with interest at the rate of _____% to be compounded annually. On _____ (date), the amount of any credits, payments, and offsets was \$_____.

The court **FINDS** that the judgment remains unsatisfied; that Judgment Debtor owns property that is not exempt from attachment, execution, or seizure for the satisfaction of the judgment; and that Judgment Creditor is entitled to the court's aid in reaching Judgment Debtor's nonexempt property to satisfy the judgment.

The court also **FINDS** _____

_____.

It is therefore **ORDERED** that the following person ("Receiver") is appointed under Texas Civil Practice and Remedies Code § 31.002 with authority to take possession of Judgment Debtor's nonexempt property that is in Judgment Debtor's possession or is subject to Judgment Debtor's control, sell the property, and pay the proceeds to Judgment Creditor to the extent required to satisfy the judgment. Judgment Debtor's nonexempt property may include financial accounts, certificates of deposit, and money-market accounts held by a third party.

Order Appointing Receiver approved by the Supreme Court of Texas in Misc. Dkt. No. 22-9031.

Receiver's Information:

Name: _____

Address: _____

Email Address: _____

Telephone Number: (____) ____-____

State Bar No.: _____

Receiver's Additional Limited Powers: Receiver also has the following limited authority. Receiver may: (1) obtain Judgment Debtor's credit information and credit reports; (2) obtain Judgment Debtor's financial information and records from Judgment Debtor or a third party; (3) certify copies of this Order; and (4) negotiate and obtain installment payment agreements with Judgment Debtor, if Receiver reasonably believes that a payment agreement is the best option to satisfy the judgment and Receiver provides Judgment Debtor with the Notice of Personal Property Rights approved by the Supreme Court of Texas. Receiver cannot reduce the total balance owed under the judgment without Judgment Creditor's authorization.

Personal Property Rights of Judgment Debtor: Receiver must comply with Texas Rule of Civil Procedure 679b.

Turnover: Judgment Debtor and any third party in possession of Judgment Debtor's property is **ORDERED** to turn over to the Receiver Judgment Debtor's nonexempt property within _____ days after receipt of this Order.

Time Period: This Receivership terminates on _____ (*date, not to exceed 180 days after the date this Order is signed*), unless extended by the court on request of Judgment Creditor or Receiver and on good cause shown.

Receiver's Fee: Receiver's fee is conditionally set at _____% of the funds collected during the receivership, subject to the Judgment Debtor's written agreement or later determination of reasonableness based on written agreement of the Judgment Debtor or proof of the work performed and the results obtained. The court-approved fee will be taxed as costs against Judgment Debtor, and Receiver may collect that fee from Judgment Debtor in addition to the amount collected to satisfy the judgment.

Order Appointing Receiver approved by the Supreme Court of Texas in Misc. Dkt. No. 22-9031.

Receiver's Oath: Receiver must file an oath to perform their duties faithfully before acting under this Order.

Receiver's Bond:

☐ No bond required; or

☐ Receiver must execute a good and sufficient bond in the amount of \$_____ before acting under this Order.

Receiver's Expenses: Receiver must provide an accounting or receipts of any reasonable and necessary expenses, including those for storage of any property seized, to the court. Court-approved expenses will be taxed as costs against Judgment Debtor, and Receiver may collect those expenses from Judgment Debtor in addition to the amount collected to satisfy the judgment.

Attorney's Fees: Judgment Creditor's reasonable attorney's fees will be taxed as costs against Judgment Debtor.

Receiver to Hold Property: Receiver must not disburse funds to Judgment Creditor or sell property within 14 days after serving Judgment Debtor with the Notice of Protected Property Rights, the Instructions for Protected Property Claim Form, and the Protected Property Claim Form approved by the Supreme Court of Texas, or within 17 days if service was by mail. If Judgment Debtor asserts an exemption, Receiver may only disburse funds to Judgment Creditor or sell property with Judgment Debtor's written consent or a court order.

ISSUED AND SIGNED on _____, 20____.

~~Justice of the Peace~~

~~Precinct~~ _____

_____ County, Texas