

Application for Writ of Retrieval

Instructions: A person may make application to a Justice Court to enter a residence or former residence to retrieve personal property belonging to the person or the person’s dependent because the current occupant is denying the person entry. After notice to the occupant, and a hearing, if the application is granted, the applicant must deliver to the Justice Court a bond supported by two or more good and sufficient non-corporate sureties or one corporate surety, payable to the occupant, in the amount set by the Court, and conditioned on the applicant paying all damages and costs adjudged against the applicant for wrongful property retrieval. The applicant will be allowed to enter the residence accompanied by a peace officer to retrieve specific property.

A filing fee in the amount of \$130.00 is due at the time the Application is filed.

NO. _____

	§	IN THE JUSTICE COURT
	§	
APPLICANT	§	PRECINCT TWO
VS.	§	
	§	
OCCUPANT	§	BRAZOS COUNTY, TEXAS

APPLICATION FOR WRIT OF RETRIEVAL

Applicant is _____, who resides or resided at the premises located at _____, _____, Brazos County, Texas (“Residence”).

The Residence is rental property leased from _____, Landlord or Landlord’s Agent, who may be contacted at _____.

Occupant is _____, who is currently occupying the residence (“Occupant”), and may be given notice of this Application at the following address(es):

Fax: _____	E-Mail Address: _____

Certifications. Applicant makes the following certifications:

- 1) The Items listed in this Application are **ONLY** of the following types: medical records, medicine and medical supplies, clothing, child-care items, legal or financial documents (including electronic records), checks or bank or credit cards in the name of Applicant, employment records, and personal identification documents.
- 2) 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.
- 3) 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.
- 4) I am not the subject of an active protective order under Title 4, Family Code, a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, or any court order

prohibiting my entry into the Residence; or otherwise prohibited by law from entering into the Residence.

The items required by Applicant and which Applicant intends to retrieve from the Residence are specifically listed and described on Attachment 1, attached to and made a part of this Application. The Applicant and/or a dependent of Applicant will suffer personal harm if these items are not retrieved immediately, because *(describe the urgency and potential harm to the health and safety of any person)*:

Applicant requests that the Court issue an order authorizing the Applicant to enter the Residence accompanied by a peace officer to retrieve the property listed in this application.

Respectfully submitted,

Applicant
Address: _____

Daytime Phone: _____
Fax: _____
E-mail Address: _____

COMPLETE AND ATTACH ATTACHMENT 1 LISTING AND DESCRIBING THE PERSONAL PROPERTY BELONGING TO APPLICANT OR TO THE APPLICANT'S DEPENDENT(S) TO BE RETRIEVED FROM THE RESIDENCE.

NO. _____

_____	§	IN THE JUSTICE COURT
_____	§	
_____	§	
APPLICANT	§	PRECINCT TWO
VS.	§	
_____	§	
_____	§	
OCCUPANT	§	BRAZOS COUNTY, TEXAS

BOND FOR WRIT OF RETRIEVAL

The above-named Applicant has filed with this Court an Application for Writ of Retrieval of Property. Pursuant to Chapter 24A.002(c) of the Texas Property Code, this Court set a bond in the amount of \$_____. Applicant hereby posts bond in that amount, payable to the above-named Occupant, and conditioned on the Applicant paying all damages and costs adjudged against the Applicant for a wrongful property retrieval.

- Attached is cash, cashier’s check, or money order in the full amount of the bond.
- The bond is guaranteed by the following corporate surety (include name, address, and phone number):

- The bond is guaranteed by the following two non-corporate sureties (include name, address, and phone number):

TAKEN AND APPROVED this the _____ day of _____, 20__.

 Terrence P. Nunn
 Justice of the Peace, Precinct Two
 Brazos County, Texas