

Case No. [REDACTED]

[REDACTED]

Plaintiff

v.

[REDACTED]

Defendant(s)

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In the Justice Court PR 1 PL 2

of  
HAYS County Texas

**APPLICATION FOR THE APPOINTMENT OF A RECEIVER**

NOW COMES, Applicant, [REDACTED] Plaintiff-in judgment, who respectfully requests the Court grant this Application for Appointment of Receiver and Turnover Relief and against Defendant(s) [REDACTED] [REDACTED] pursuant to 31.002 of the Texas Civil Practices and Remedies Code. In support of the application, Plaintiff alleges as follows:

**A. JUDGMENT**

On or about February 6, 2018, Plaintiff recovered a judgment against [REDACTED] in this court. After all just and lawful offsets, payments, and credits have been issued, the balance that remains unsatisfied on this judgment is \$2,108.18 as of July 10, 2019.

**B. REQUESTED PROPERTY**

The property made the basis of this application is strictly limited to cash on-hand and/or on-deposit at any financial institution where the Defendant holds an account. As such, Applicant is not aware of any applicable exemptions under any statute from the attachment, execution, or seizure of the requested property for the satisfaction of liabilities. Nothing herein shall apply to any other form of property other than what is specifically described above, and as such, the property requested cannot be reasonably attached or levied on by ordinary legal process.

**C. MOTION FOR APPOINTMENT OF RECEIVER**

Plaintiff moves the Court to order Defendant to turn over the property identified above, with all documents and Records related to that property, to the Receiver appointed hereafter at that Receiver's address within five (5) days of the entry of an Order herein.

**D. APPOINTMENT OF RECEIVER**

Plaintiff moves the Court to appoint [REDACTED] [REDACTED] as receiver (Receiver) in this matter pursuant to TCPRC 31.002(b)(3) with limited authority to take possession of all requested property, as identified above, that is on-hand and/or on-deposit with any financial institution where Defendant holds an account, and pay the proceeds to the judgment creditor to the extent necessary to satisfy the judgment. The proposed powers, duties, and responsibility of the Receiver are more particularly stated in the proposed order which is submitted contemporaneously with this application. **Exhibit 1 – Resume.**

**E. BOND**

This is a post-judgment matter. [REDACTED] has a debtor collector bond filed with the Secretary of State. **Exhibit 2 – Debt Collector Bond.**

**F. COMPENSATION TO RECEIVER**

Plaintiff moves that Defendant be ordered to pay Receiver a \$100.00 flat fee , as compensation to the Receiver, and that such compensation (and out of pocket expenses directly related to the recovery) be paid, as taxable court costs, in addition to the amount owed to Plaintiff.

**G. PRAYER**

Plaintiff requests an order granting this Application, and prays

- A. That a Receiver be appointed as contemplated by TCPRC 31.002 and the Receiver's bond to be waived.
- B. That every Defendant and third party financial institution in which Plaintiff has an interest be ordered to deliver the property, with necessary documents, properly endorsed for transfer to the Receiver and deliver any information concerning said property to accounts.
- C. That Plaintiff have judgment against Defendant for Receiver's Fee; and
- D. That Plaintiff is granted all further relief to which Plaintiff may be entitled.

Respectfully submitted:

[Redacted signature block]

*ORIGINAL COPY SIGNED*

[Redacted signature block]

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In the Justice Court PR 1 PL 2

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**DECLARATION IN SUPPORT OF APPLICATION FOR APPOINTMENT OF RECEIVER AND TURNOVER RELIEF**

Pursuant to Tex. Civ. Prac. and Rem. Code § 132.001, which states that, "an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law.", the undersigned attorney submits the following:

[REDACTED]

*I declare under penalty of perjury that the following is true and correct:*

1. I am over twenty-one years of age, licensed to practice law in the State of Texas, am the attorney for Plaintiff and competent to make this affidavit.
2. I have reviewed the file on the Defendant. Based on my review of the file and my general familiarity with this account, I have personal knowledge of the account and to the best of my knowledge the matters stated herein are true.
3. I am familiar with this case and collecting judgments, familiar with public information regarding the Defendant, and confirm that attempts have been made to collect on the judgment balance. The property sought in this application is not readily attachable by ordinary legal process as it is limited to cash on-hand and/or on-deposit with financial institutions in accounts under the Defendant's name.
4. I believe that this application for appointment of receiver and turnover relief is necessary because Defendant is believed to have, based upon a review of the file, property that cannot be readily attached or levied on by ordinary legal process and that is not exempt from attachment, execution, or seizure for the satisfaction of liabilities.
5. [REDACTED] a citizen, resident, and qualified voter of the State of Texas. At the time of appointment, [REDACTED] is not a party, attorney, or other person interested in the action for appointment of a receiver. [REDACTED] will perform his duties faithfully, and in obedience of the Orders of the Court. A copy of [REDACTED]'s resume is attached hereto.
6. Defendant owns and has, or will have within its possession or control property interests, together with documents relating to the property, which is not exempt from attachment, execution, or any other type of seizure for the satisfaction of liabilities, and which cannot be readily attached or levied on by ordinary legal process.

7. Defendant's non-exempt property which is subject to collection under the statute includes all right, title, interest and documents of ownership to the property listed on the application.
8. In addition, Plaintiff is entitled to the appointment of a Receiver as expressly provided by the Statute. Plaintiff is entitled to have the Court require that Defendant be ordered to turnover and deliver to the Receiver all such requested Property with all documents of ownership and to execute any and all documents needed to assign the property to the Receiver. The Receiver should be authorized to take possession of the Property, and to pay the Plaintiff in the amount sufficient to satisfy the Judgment and the additional court costs and fees awarded pursuant to bringing this Application. Plaintiff is entitled to appointment of a Receiver with the powers set forth in detail on the Application and proposed order submitted contemporaneously with said Application.
9. Compensation to Receiver. Plaintiff moves that the Court order Defendant to pay Receiver a \$100.00 flat fee , as compensation to the Receiver, and that such compensation shall be paid by Receiver in addition to the amounts owed to Plaintiff. Plaintiff moves Defendant be ordered to pay Receiver's out of pocket expenses directly related to recovery of Property in this case. All such compensation be taxed as costs in the case.
10. Bond. This is a post-judgment matter. Moreover, [REDACTED] maintains a debt collector bond. Therefore, no bond should be required for the Receiver.

Executed in DALLAS County, State of Texas, on the 10th day of July , 2019 .

By: ORIGINAL COPY SIGNED

[REDACTED]

[REDACTED]

Plaintiff

v.

[REDACTED]

Defendant(s)

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**ORDER APPOINTING RECEIVER**

CAME ON to be heard the Application for Appointment of a Receiver of [REDACTED]

[REDACTED] (herein "Applicant"); whereupon, the court, after a review of the papers herein on file, became of the opinion that a Receiver should be appointed to take possession of cash on hand and on deposit at any financial institution where the Defendant (herein "Defendant") holds an account. Based on the pleadings, the evidence and the argument of counsel, the Court finds that the defendant owns non-exempt property that cannot be readily attached or levied on by ordinary legal process. Notwithstanding any contrary language herein, this order does not compel turnover of Defendant's homestead, or checks for current wages or other exempt property.

**IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED** by this Court that [REDACTED]

[REDACTED] is hereby appointed Receiver in this case pursuant to the Texas Turnover Statue with the power and authority to take possession of all cash on-hand and/or on-deposit at any financial institution where the Defendant holds an account; and that all such property shall be held in custodial egis of said Receiver as of the date of this Order.

Defendant is **ORDERED** to immediately turnover to the Receiver within five (5) days from Defendant's receipt of a copy of this Order: 1) together with all documents and financial records which may be requested by the Receiver; 2) all checks, cash, and deposits at any and all financial institutions owned by or in the name of Defendant;

Defendant is **ORDERED** to continue, until the Judgment in this cause is fully paid, to turnover to the Receiver at the Receiver's address all checks, cash, deposits at any and all financial institutions within three (3) days from the Defendant's receipt and possession of such property, if, as and when Defendant becomes in receipt and possession of any such property. Paychecks for current wages are exempt from this order.

In addition to the powers of the Receiver set forth herein, the Receiver shall have the following rights, authority and powers with respect to the Defendant's property, to:1) obtain from any financial institution, bank, credit union, savings and loan, title company, or any other third party, any deposits or other funds available in the Defendant's account , as well as financial records belonging to or pertaining to the Defendant;

The Receiver is not ordered to post bond. The Receiver is directed and authorized to receive fees an amount of \$100.00 upon executing his duties as Receiver. The receiver's fees and expenses are taxed as costs against the Defendant. The Receiver is further ordered to take the oath of his office.

Signed this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
**Judge Presiding**