

Information & Instructions: Execution of judgment

PREVIEW

1. Execution of a Judgment is a judicial writ that directs the enforcement of a court judgment. Pursuant to a Writ of Execution, the sheriff or constable will levy on the debtor's nonexempt property, sell it and deliver the proceeds to the creditor to satisfy the judgment. A Writ of Execution cannot issue until 30 days from the expiration of the final judgment.
2. See the following rules of Texas Civil Procedure regarding post judgment collection.

TRCP 621 Section Enforcement of judgment
TRCP 621A Section Discovery and aid of enforcement of judgment
TRCP 622 Section Execution, process
TRCP 623 Section Death of executor
TRCP 624 Section Death of principal plaintiff
TRCP 625 Section Money of deceased
TRCP 626 Section Property of deceased
TRCP 627 Section Time for issuance
TRCP 628 Section Execution within 30 days
TRCP 629 Section Requisites of execution
TRCP 630 Section Execution of judgment for money
TRCP 631 Section Execution for sale of particular property
TRCP 632 Section Execution for delivery of certain property
TRCP 633 Section Execution for possession or value of personal property
TRCP 634 Section Execution superceded
TRCP 635 Section Stay of execution in justice court
TRCP 636 Section Enforcement by officer
TRCP 637, 638, 639, 640, 641, 643 Sections Levying of debtor's property
TRCP 644 Section Bonds
TRCP 645 Section Property may be sold by defendant
TRCP 646 Section Forfeited delivery bond
TRCP 646A Section Sale of real property
TRCP 647 Section Notice of sale of real estate
TRCP 648 Section Definition of courthouse door
TRCP 649 Section Sale of personal property
TRCP 650 Section Notice of sale of personal property
TRCP 651 Section When execution is not satisfied
TRCP 652 Section Purchaser failing to comply
TRCP 653 Section Resale of property
TRCP 654 Section Return of execution
TRCP 655 Section Return of execution by mail
TRCP 656 Section Execution docket

3. Procedure

a. To commence the execution of judgment procedure, notify the clerk that an Abstract of Judgment has been obtained.

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- b. Request the clerk to prepare a Writ of Execution and send it to the attorney.
- c. Review the writ to verify its accuracy.
- d. Transmit it to the sheriff and request he levy the property and sell the goods levied. Check with local rules to see what notice is required.
- e. Refer to the form of an affidavit for immediate issuance of Writ of Execution. This form is used by the Plaintiff or his agents or attorney and may be submitted in person or by letter. It is used pursuant to TRCP 628 to initiate the process for immediate issuance of the Writ of Execution.

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Form: Request for levy and sale of goods

PREVIEW

[Date]

[Name of officer]

[Address]

Regarding: Defendant in execution: [name]

Case No. _____

Dear [Name]:

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Enclosed is the writ of execution in the above referenced cause.

Please endorse the writ with the hour and date you received it and please obtain from the defendant immediate payment of the total judgment, interest, court costs, and your costs.

If the defendant will not pay the judgment and costs, please immediately levy on the defendant's property subject to the writ, remove the property to a place of safekeeping unless impossible to do so without large expense and effort, post your notice, and conduct a sale according to law.

Please send me a copy of the notice of sale.

The last known address of the defendant in your county is [Name]

THIS DOCUMENT

If a problem arises, if you need additional information, or if an indemnity bond will be required, please call me at [telephone number].

My firm's check for your fee is enclosed. Please mail your completed return to me.

Thank you in advance for your immediate attention to this matter.

Sincerely,

THANK YOU

[Attorney's name]

Enclosures

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