

**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- TRCP 634 Section Execution superceded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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# PREVIEW

- 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 to issue writ of execution

**PREVIEW**

[Date]

[Name]

[Address]

Regarding: [Case No. and style]

Dear [Name]:

Please issue a Writ of Execution in the above referenced cause. Execution can issue based on the enclosed affidavit. Please make this writ to be returned within 10 days and send it to me for forwarding to the appropriate officer.

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My check in the amount of \$[Amount] for your fee is enclosed. Thank you for your assistance.

Sincerely,

[Attorney's name]

Enclosures

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Form: Affidavit for immediate issuance of writ of execution

**PREVIEW**

CAUSE NUMBER \_\_\_\_\_

[Name],  
PLAINTIFF

IN THE [Type of Court] COURT

[Court number]

vs.

[Name],  
DEFENDANT

OF [NAME], COUNTY, TEXAS

**AFFIDAVIT FOR IMMEDIATE ISSUANCE OF WRIT OF EXECUTION**

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BEFORE ME, the undersigned authority, on this day personally appeared [name of Affiant], who,

being by me duly sworn, on oath stated:

1. I am [identify] in this cause. I am authorized to make this affidavit and to apply for immediate issuance of a writ of execution.

2. In this Court on [date], judgment was rendered for [name of plaintiff], Plaintiff, against [name of defendant], Defendant.

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Execution should issue immediately because Defendant is about to transfer [his or her] personal property subject to execution by law for the purpose of defrauding Defendant's creditors.

\_\_\_\_\_  
Affiant

State of Texas  
County of \_\_\_\_\_

**THANK YOU**

BEFORE ME, on this day personally appeared [name of the person giving the affidavit], who is personally known to me, and first being duly sworn according to law upon his or her oath deposed and said:

"My name is [Name], I have never been convicted of a crime, and I am fully competent to make this Affidavit. I have personal knowledge of the facts stated in this affidavit, and they are all true and correct."

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~~PREVIEW~~  
Affiant's Signature

Affiant on oath swears that the statements are true and correct based on his or her personal knowledge and Affiant has:

State of Texas

County of [County Name]

Subscribed and sworn to before me on \_\_\_\_\_ by [Name]

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\_\_\_\_\_  
Signature of officer

\_\_\_\_\_  
Notary's typed or printed name

My commission expires:

\_\_\_\_\_  
[or Notary's Stamp]

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