

CAUSE NO. \_\_\_\_\_

IN THE MATTER OF

§ IN THE JUSTICE COURT

§

§

\_\_\_\_\_  
APPLICANT

§ PRECINCT \_\_\_\_\_

§

§

§ \_\_\_\_\_ COUNTY, TEXAS

### EX-PARTE WRIT OF RETRIEVAL

#### THE STATE OF TEXAS

The court **FINDS** the following:

- Applicant has made their Application for a Writ of Retrieval regarding the following location ("Residence"): \_\_\_\_\_  
\_\_\_\_\_;
- Applicant has posted an acceptable bond with the court in such form and amount as approved by the judge in this matter or  this court waives the requirement of a bond pursuant to Property Code § 24A.0021(b);
- Occupant of the Residence \_\_\_\_\_ has denied Applicant access to the Residence to retrieve Applicant's personal property or the personal property of Applicant's dependent(s);
- Applicant is not the subject of an active protective order under Family Code Title 4, a magistrate's order for emergency protection under Code of Criminal Procedure Art. 17.292, or another court order prohibiting entry to the residence or otherwise prohibited by law from entering into the Residence;
- Applicant and the current Occupant are not parties to a pending divorce or annulment case under Title 1, Family Code;
- Applicant's right to possession of the items described in the application is not subject to a decree of divorce or annulment to which Applicant and the current Occupant are parties.
- There is risk of personal harm to Applicant or Applicant's dependent(s) if the items listed in the Application are not retrieved promptly;
- Applicant is currently or was formerly authorized to occupy the Residence according to a lease or other documentary evidence acceptable to the court;

- Occupant of the Residence poses a clear and present danger of family violence to Applicant or Applicant’s dependent; and
- Applicant or Applicant’s dependent will suffer immediate and irreparable personal harm if this writ is not issued.

**THEREFORE, IT IS ORDERED** that a Writ of Retrieval is hereby **GRANTED** for the following items of personal property allowable under Property Code § 24A.002(b)(4): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IT IS FURTHER ORDERED** that a constable or sheriff or their deputy or permanent reserve deputy holding a permanent peace officer license shall accompany and assist Applicant in making the authorized entry into the Residence and retrieving items of personal property as specifically listed by Applicant in the Application and approved by this court.

**IT IS FURTHER ORDERED** that Applicant shall submit all property retrieved from the Residence to the peace officer to be inventoried by the officer. The officer shall provide a copy of the inventory to the applicant, a copy to the occupant or if the occupant is not present, leave the copy in a conspicuous place in the residence, and shall file the original inventory with this court.

**IT IS FURTHER ORDERED** that this writ is effective from issuance until \_\_\_\_\_, 20\_\_\_\_ (*a period not to exceed 5 days*).

**ISSUED AND SIGNED** on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 JUSTICE OF THE PEACE, PRECINCT \_\_\_\_\_  
 \_\_\_\_\_ COUNTY, TEXAS

**RETURN**

This Writ **CAME TO HAND** on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m. and was **EXECUTED** in \_\_\_\_\_ County, Texas on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m. by taking \_\_\_\_\_ to the address listed in the writ to retrieve the listed items. Prior to allowing the property to be removed, I created an inventory of the items removed, provided a copy to Applicant, Occupant, and have attached a third copy to this return.

The distance actually traveled by me in the execution of this process was \_\_\_\_ miles and my fees are \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Officer's Name and Title

\_\_\_\_\_  
Officer's Signature