

## **JUSTICE COURT RULES TASK FORCE REPORT**

The purpose of this document is to give the Texas Supreme Court and its Advisory Committee (and any other interested party) a look into the logic and reasoning behind the proposed rules submitted by the task force. I have also included some comments and proposed modifications from the June meeting. I welcome any comments/questions, and am very happy to help in any way possible to make the new Justice Court the best tool that it can be, for judges, attorneys and pro-se parties alike.

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### **SMALL CLAIMS COURT RULES**

There was some discussion that we were being too detailed and thorough in these rules. The majority of the Task Force felt that clearly delineating the process would help lay judges and litigants alike, and ensure that speedy, inexpensive justice is available to all who come to the Justice Court.

#### **RULE 500 – DEFINITIONS**

This rule we want to be as thorough as possible. As mentioned, we hope for “one-stop shopping” for laypeople to be able to understand what’s happening with their case. Any additions or clarifications always welcome. Judge Yelenosky mentioned defining “consumer debt”.

#### **RULE 501 – JUSTICE COURT CASES**

Straightforward, trying to clarify each type of case and that the specific section controls, then the general rules apply where there are no specific rules. Need to give a specific Section number to the basic rules, since Part V also includes Section 8.

#### **RULE 502 – APPLICATION OF RULES IN JUSTICE COURT**

Our goal was to make these rules one-stop shopping, while also allowing flexibility for unforeseen circumstances. Strong arguments were made to eliminate the ‘except as the judge sees fit’ language from this. The Task Force feels strongly that it is important to have some

discretion built into the rule. The SCAC liked language last time of “Civil cases in justice court will be conducted in accordance with Rule V of the Rules of Civil Procedure.”

**RULE 503 – COMPUTATION OF TIME AND TIMELY FILING**

There is currently confusion about how to count days, sometimes weekends and holidays are counted and sometimes they are not. We sought to streamline and clarify this by making all timeframes simply calendar days. We added the provision about 5:00 PM to be fair to litigants when a court closes early on a ‘deadline day’.

**RULE 504 – RULES OF EVIDENCE**

SCAC voted to change to “The Rules of Evidence do not apply to justice court. The judge will review any evidence and determine what will be considered by the judge or jury.” There was also discussion of combining 502 and 504.

**RULE 505 – DUTY OF THE JUDGE TO DEVELOP THE CASE**

Currently in Ch. 28 of the Government Code. Adds ‘person’ to clarify that a judge can summon a person to be a witness who isn’t listed as a party, consistent with common interpretation of the current rule. Also, proposal made to replace the first ‘may’ with ‘shall, if necessary’

**RULE 506 – EXCLUSION OF WITNESSES**

“The Rule” from the TRE.

**RULE 506.1 – SUBPOENAS**

From the current TRCP.

**RULE 507 – PRETRIAL DISCOVERY**

Implemented the concept from the current Small Claims Court, with some fleshing out of details. Court must approve discovery before it is served.

**RULE 507.1 – POST-JUDGMENT DISCOVERY**

Eliminates the requirement that post-j/m discovery be filed, but sets up a system where the responding party may object to the discovery and receive a hearing to determine if the request is valid. Gives more freedom to the now-judgment creditor without shutting out the judgment debtor from access to the court.

**RULE 508 – PLEADINGS AND MOTIONS**

Mandates that all pleadings and motions be written and signed, except for oral motions during trial or when all parties are present. The current antiquated system allows for oral pleadings which are listed in the docket, and fail to provide adequate notice.

**RULE 509 – PETITION**

Again, our stated objective was to provide information about proceeding with a case that makes it clear to pro se litigants what the steps are. This walks through what should be in the petition, how payment (or affidavit of inability) is handled, and how a party may contest an affidavit of inability.

**RULE 510 – VENUE**

We discussed in-depth whether we should include the “general” venue rules. We included them because they cover 99% of cases, and we direct laypeople to the proper statute for a full description of proper venue, which will be hosted online and will be available at the court.

**RULE 522 (WOULD RENUMBER) – MOTION TO TRANSFER VENUE**

We made significant changes to the current MTV procedure. The largest is that the defendant can file this motion up to 20 days after the day they answer, instead of being mandatory that they file it concurrent with or prior to their answer. Our reasoning is to allow some leeway to pro se litigants who often trap themselves by answering without realizing they are permanently waiving venue.

**RULE 523 (WOULD RENUMBER) – FAIR TRIAL VENUE CHANGE**

Pretty significant changes here too, due to the failings of current Rule 528, which is the only method a party has for challenging a judge in our court, because the recusal rules were held not to apply to our court. The main failings of current 528 are that it merely says to transfer to the nearest JP in the county (some counties only have one JP, what if all JPs in county DQd?), and that it possibly offers tenants a permanent defense against eviction, since jurisdiction is only precinct-wide in eviction cases. This rule addresses those by: 1) making the party state if they object to the judge or the location; 2) providing procedures in cases where there is only one judge in a county, or all are disqualified; and 3) only allowing a change in presiding judge and not location in eviction suits.

**RULE 524 (WOULD RENUMBER) – CHANGE OF VENUE BY CONSENT**

Same as current TRCP.

**RULE 511 – ISSUANCE AND FORM OF CITATION**

Changes time for answer from “Monday next following expiration of 10 days” to “14<sup>th</sup> day after served”. Also adds more information to the notice and directs the defendant to the location online and at the court of these rules of procedure for further guidance.

**RULE 512 – SERVICE**

Clarifies and lays out the proper method of service, and informs that a return must be filed. Some have argued against laying out this information, but it is very helpful as this process is intimidating to non-lawyers. Language in (b) may need to change to reflect that the commissioners court has authority under LGC 118.131 to set a fee that the constable can charge for certified mail service.

**RULE 513 – ALTERNATIVE SERVICE**

Clarifies the current procedure for alternative service. Also allows the constable or process server to make the request for alternative service. This is frequently done, though as written it should be the plaintiff making the motion. However, the process server/officer is the individual with the information regarding the service attempt and can best decide what method will actually effect service.

**RULE 514 – SERVICE BY PUBLICATION**

Rare enough that we were comfortable using the district court rules and directing parties to the specific rules that apply.

**RULE 515 – SERVICE OF PAPERS OTHER THAN CITATION**

This is the JP version of Rule 21a. We added some clarifications, and also added email service as valid if, and only if, a party has consented to email service.

**RULE 516 – ANSWER FILED**

Similar language to the current rule, except we have simplified the answer timeline to 14 days instead of Monday after 10. As outlined in the computation rule above, if the court closes before 5 on the 14<sup>th</sup> day, the answer is due the next business day.

**RULE 517 – GENERAL DENIAL**

Bringing elements of Rule 92 into our rules, and also ensuring a simplified process and avoiding trapdoors by specifying that a GD does not bar the defendant from later raising specific defenses.

**RULE 518 – COUNTERCLAIM**

Addresses a current problem where sometimes a mandatory counterclaim is outside the JP court jurisdiction by making it mandatory only if it is within the court’s jurisdiction.

**RULE 519 – CROSS-CLAIM**

No substantive changes.

**RULE 520 – THIRD-PARTY CLAIM**

No substantive changes.

**RULE 521 – INSUFFICIENT PLEADINGS**

Simplified procedure for special exceptions with the general concept remaining unchanged.

**RULE 525 – IF DEFENDANT FAILS TO ANSWER**

This rule is a major issue in our courts. One issue is that whether a hearing is required currently hinges on whether the damages are liquidated or not. Appellate courts have disagreed as to the definition of liquidated damages, so we instead created a system where the specific filings dictate whether a hearing is necessary. A hearing is not necessary in a suit based on a sworn filing based on a claim on a written instrument, or in Debt Claim Cases where all required documentation under Rule 578 has been filed. Otherwise, a hearing must occur. We added into the rule the caselaw rule that a default j/m may not be rendered if the defendant answers before j/m is granted, and added a provision that parties may appear telephonically or electronically with consent of the court.

We think this rule, as modified, will make it clear when a hearing is necessary, will make parties’ rights clearer, and will allow more convenient hearings where appropriate.

**RULE 526 – SUMMARY DISPOSITION**

There was some debate over the role of summary judgment in these Rules. Ultimately, we decided that the ability to summarily get rid of cases where there is no material factual dispute is too important to judicial efficiency and fairness to lose. However, the current system is fraught with peril for the unfamiliar. We have eliminated the affidavit requirement, and also allow a party to offer oral response, unless the judge orders them to respond in writing. Some judges expressed concern at allowing oral response at the hearing, but at least this way, the party is put on written notice that they must respond in writing, as opposed to showing up at the hearing and being told they can’t speak.

**RULE 527 – SETTING**

Current rule in justice court is the first setting must be at least 45 days out, while small claims court has no minimum timeframe. This rule sets a baseline of 45 days, but allows the judge to set the case earlier if it is in the interest of justice.

**RULE 528 – CONTINUANCE**

No substantive changes.

**RULE 529 – JURY TRIAL DEMANDED**

A considerable problem in our courts is the current rule allowing a jury to be demanded as late as the day before trial. This rule changes that to mandate a jury request no later than 20 days after filing an answer. This will allow courts to plan their dockets and will eliminate last minute jury requests which frequently result in continuances, delay, and frustration.

**RULE 530 – IF NO DEMAND FOR JURY**

No substantive change.

**RULE 531 – PRETRIAL CONFERENCE**

Sets up parameters for pretrial conferences as a tool for parties and courts. TAA has expressed concern about this being applied in eviction cases. We would support an addition either explicitly eliminating eviction cases from this rule, or stating that a pretrial is only appropriate in eviction cases if it can be held without delaying the timeframes found in the eviction rules.

**RULE 531A – ALTERNATIVE DISPUTE RESOLUTION**

Makes explicit that a judge can order mediation or other ADR. TAA has expressed concern about this being applied in eviction cases. We would support an addition either explicitly eliminating eviction cases from this rule, or stating that ADR is only appropriate in eviction cases if it can be implemented without delaying the timeframes found in the eviction rules.

**RULE 532 – TRIAL SETTING**

Specifies what happens on trial day. Some are opposed to the judge being able to postpone the case if the defendant doesn't appear, and feel that it should be automatic that the plaintiff can put on evidence. The majority felt that since the judge could postpone instead of dismiss if the plaintiff failed to appear, that the converse should also be true.

**RULE 533 – DRAWING JURY AND OATH**

No substantive changes, just addressed the issue of electronic draw, as many counties have implemented one.

**RULE 534 – VOIR DIRE**

Explained the process in clear language to let laypeople know what to expect at this stage.

**RULE 535 – CHALLENGE FOR CAUSE**

No substantive change, just rewritten in (hopefully) clearer language for laypeople.

**RULE 536 – PEREMPTORY CHALLENGE**

Allows the judge to control the method of peremptories instead of mandating antiquated procedures. Clarifying language.

**RULE 537 – THE JURY**

No substantive changes.

**RULE 538 – IF JURY IS INCOMPLETE**

No substantive changes, though there was discussion on whether this was still the best method to fill incomplete juries (sending the constable/sheriff to round up citizens)

**RULE 539 – JURY SWORN**

No substantive changes.

**RULE 540 – JUDGE MUST NOT CHARGE JURY**

No substantive changes. There was considerable debate on whether this was a good rule to keep. The benefits of explaining the law to the jury was ultimately outweighed by the drawbacks of long, drawn-out charge conference interfering with the speediness objective of our court.

**RULE 541 – JURY VERDICT**

**RULE 545 – JUDGMENT UPON JURY VERDICT**

**RULE 546 – CASE TRIED BEFORE JUDGE**

**RULE 547 – JUDGMENT**

**RULE 548 – COSTS**

**RULE 549 – JUDGMENT FOR SPECIFIC ARTICLES**

No substantive changes. However, if we can't get the Gov't Code modified to exclude costs from the amount in controversy, we should add to Rule 548 language making costs optional. As it exists now, if I sue for \$10k in justice court and win, I am now outside the jurisdiction because costs "shall" be awarded, and GC says costs count against amount in controversy, so the j/m of \$10,031 is over the limit.

**RULE 550 – TO ENFORCE JUDGMENT**

Replaced "attachment, fine, and imprisonment" with "contempt", since debtor's prison is not allowed in Texas.

**RULE 551 – ENFORCEMENT OF JUDGMENT**

Clarifies that the court has the tools available in district and county court at its disposal, ensuring that we haven't written out executions, sequestrations, garnishments, etc.

**RULE 555 – SETTING ASIDE DEFAULT JUDGMENTS AND DISMISSALS**

Clarifies the reinstatement and setting aside a default judgment procedures, and makes the timeframes consistent at 10 days to file either. Makes explicit that a plaintiff can appeal their dismissal if the judge declines to reinstate their case.

**RULE 556 – NEW TRIALS**

Extends from 5 to 10 days the period to request a new trial.

**RULE 557 – ONLY ONE NEW TRIAL**

No changes.

**RULE 558 – MOTION DENIED AS A MATTER OF LAW**

Extends from 10 to 20 days the deadline where the above motions are auto-denied.

**RULE 560 – APPEAL**

Several changes: 1) extends time from 10 to 20 days to file an appeal; 2) changes appeal bond for losing plaintiff from "twice justice court costs and estimated county court costs less justice court costs paid" to "\$500"; 3) imports the provision that cash bonds are acceptable in lieu of sureties; 4) makes explicit that the county court is responsible for giving the appellant the 5 days to correct any defects, it is currently unclear which court is responsible.

**RULE 561 – INABILITY TO PAY APPEAL COSTS**

Organized and clarified the information on pauper's affidavits. Extends the time for a hearing on the matter from 5 to 10 days.



**RULE 563 – TRANSCRIPT**

**RULE 564 – NEW MATTER TO BE PLEADED**

**RULE 565 – TRIAL DE NOVO**

No substantive changes.

**RULE 570 – PLENARY POWER**

Currently is a debate whether our courts have 10 or 30 days of plenary power, this rule clarifies it to 20 days or appeal, whichever comes first.

**RULE 571 – FORMS**

Gives some guidance on legal advice, clarifying blank forms are allowable, but parties can't be forced to use court-generated forms.

**RULE 572 – DOCKET**

**RULE 573 – ISSUANCE OF WRITS**

**RULE 574 – WHO MAY SERVE AND METHOD OF SERVICE**

**RULE 575 – DUTY OF OFFICER OR PERSON RECEIVING AND RETURN OF CITATION**

No substantive changes.

**DEBT CLAIM CASE RULES**

HB 79 directed us to adopt special rules for cases brought by plaintiffs who are assignees, who are primarily engaged in lending money at interest, and who are collection agents. The end result was this set of rules which applies to what we defined as Debt Claim Cases, the vast majority of which are suits to recover credit card debt by an assignee of this debt. Our goal was to reward plaintiffs who have all the necessary proof with an expedient, predictable, inexpensive process, while also protecting defendants from many of the inherent problems in these suits, including an often disturbing lack of proof.

**RULE 576 – SCOPE**

We tried to define these cases in a way consistent with HB 79 while also ensuring it applied to the cases that in practice need the additional guidelines. Was proposed to remove 'alleged' from (a) (1)-(a) (3). Change "chapter" in (b) to "section". Also change "and" to "or" in (b).

#### **RULE 577 – PLAINTIFFS PLEADINGS**

These requirements were selected to help reduce mistaken identity cases, and ensure the defendant understands the subject of the lawsuit. Often they will receive a lawsuit by a company like Unifund saying they owe \$6700 and think it's a scam because they have never heard of Unifund. Change "chapter" to "section". Proposal to include either "In addition to the requirements of Rule 509..." or explicitly list all 509 requirements.

#### **RULE 578 – DEFAULT JUDGMENTS**

Most appellate courts currently hold that credit card debt is unliquidated. That means that in our courts, there must be a hearing. Plaintiffs in these cases are very interested in getting default judgments without the necessity, time and expense of a hearing. In conjunction with the default j/m rule earlier, this rule provides a framework that allows plaintiffs who have good supporting documents, and not just a computer screen printout of a name and \$ amount, to get a default judgment without hearing. If the plaintiff doesn't have those documents, a hearing will be required for default judgment.

Additionally, the Task Force voted unanimously to follow the Martinez standard in lieu of the Simien standard and require an affidavit proving up business records to be from the company that generated the records.

Proposed to fold (b) and (c) into (a) and add sub-parts, since they all relate to 'no-hearing' defaults. Proposed to replace the requirement that the affidavit is from the original creditor with "If the affidavit lacks trustworthiness, the trial judge may deny the request for the default judgment." Proposed to add "as to liability and damages" in (e) after "may proceed to hear evidence". Proposed to replace "affidavit" with "sworn statement".

#### **REPAIR AND REMEDY CASE RULES**

We left these rules almost completely alone, as they are very new. We thought the comment at the end might be removed, and modified 737.2 and 737.3 to be on the same timeframe as eviction cases, as they are currently.

#### **EVICITION RULES**

There has been some controversy over whether we were supposed to write rules for eviction cases, although HB 79 is very explicit on its face that we were. As mentioned, we are not trying to blow up and rebuild the eviction process from the ground up. Instead, our goals were to patch some holes in the current process and ensure fairness to both sides, while also maintaining the same goal for these cases as in other civil cases in the new justice court – fair,

speedy justice that does not require a lawyer and allows the judge to make rulings that are fair and equitable.

#### **RULE 738 – COMPUTATION OF TIME FOR EVICTION CASES**

We wanted to clarify that all days were calendar days, and also address a major problem with the mailbox rule in eviction cases. As it is currently, if a tenant mails the appeal on the day it is due, the landlord can get a writ of possession the next day, then the court receives the appeal several days later and it was technically timely filed. What now? We eliminated that problem by requiring a mail filing in an eviction case to be received by the due date. However, that created a problem for litigants who are far from the court, so we added the ability to file with the court by fax. They must also follow that up with a mailing of the original. The application of this will mainly be for appeals, and we thought it was important to give parties an option. A judge mentioned concerns about fax volume and paper costs, but the numbers of appeals annually don't bear that out.

Proposed to clarify that the first day does not count but the last day does count.

#### **RULE 739 – PETITION**

This rule addresses several problems with the current framework: 1) It makes explicit in the rules that it must be filed where the property is located and that the plaintiff won't receive a refund if they file improperly; 2) it makes clear that a writ of possession can't issue against a tenant who isn't named in the petition. Currently some landlords will try to evict John and Jane Doe by filing suit against John Doe "and all occupants". Jane is not an occupant, she is a tenant. So no writ may issue against Jane. Of course, she may leave when a writ is executed against John.

TAA requested a change to (d) from "rent sought" to "rent currently due" and we are on board with that change. They were concerned that, for example, if the petition was filed on Sept 29, and the next month became due on Oct 1, that could create a problem. We put that clause in there because some landlords don't put an amount, then at a default j/m hearing claim large amounts. This way, the defendant is on notice of what is being claimed. Of course, if rent becomes due during the pendency of the court, it is appropriate for the court to award it, and the defendant would have knowledge of the monthly rent.

Proposed to clarify last sentence, putting period after rules, then strike "except that" and add "of possession" after writ. Proposal to include either "In addition to the requirements of Rule 509..." or explicitly list all 509 requirements.

#### **RULE 740 – MAY SUE FOR RENT**

No substantive changes.

#### **RULE 741 – CITATION**

Another big problem with the current eviction system: the judge is required to list the hearing date in the citation BUT the hearing date window is dependent on the date that the defendant is served, which is of course unknown at the time the citation is generated. So we decided to base the hearing date window on the date of filing. Since it is currently 6-10 days from service, we thought 7-14 days from filing would be roughly equivalent. It is not our intention to modify the actual timeframe these cases occur in, instead to allow a judge to set the trial date in the citation. Some discussion from judges/constables indicates that 10-21 days may be a more realistic window to allow for service, and sometimes alternative service, and the counsel for TAA indicated that cases were generally being heard 3-4 weeks from filing, so that shouldn't prejudice landlords to give a window of 10-21 days instead of the 7-14 in the draft of rules. If this is modified to 10-21 days, so should rule 737 to be consistent.

Another benefit to working from filing instead of service is that some constables will refuse to serve an eviction citation during certain times, for example, around the Christmas holiday season. Under the current system, the landlord has no redress, because the trial window doesn't start until service occurs. Under the new rule, the clock is ticking upon the filing of the petition.

#### **RULE 742 – REQUEST FOR IMMEDIATE POSSESSION**

Current Rule 740 is very troublesome. It states that the sheriff or constable shall immediately place the plaintiff in possession of the premises if the defendant doesn't demand a trial or post a counterbond in 6 days from filing of a bond for immediate possession. However, it doesn't provide a mechanism for doing so. Many judges feel the only mechanism would be a writ of possession, which would then make this rule conflict with the Property Code which only allows writs after a trial (6 days after unless an IPB is filed and j/m is by default).

The main benefit of the rule is to allow immediate possession after defaults, the rest is difficult to understand and/or implement. Our proposed replacement keeps that benefit, while also allowing the plaintiff to get a writ 24 hours after judgment if they can show good cause. This is intended for cases where, for example, the tenant is threatening other tenants or the landlord, selling drugs on-premises, damaging the property, etc. It also explicitly lays out the procedure so all parties and judges can understand it.

Several members of our Task Force wanted to just eliminate immediate possession bonds while others felt it was a very important remedy that needed some updating and clarification. Another option would be to simply make it where a writ of possession issues immediately on default j/m if an IPB is filed, and no other impact on the case. Whatever the SCAC does, we ask that you please not just leave current Rule 740 as-is. It is vague and being implemented in ways that may be overly damaging to tenants' rights in some areas.

**RULE 743 – SERVICE OF CITATION**

No substantive changes, but note this works with the previous rule to set up a window for service, since the trial date was set when the citation was issued. This rule requires service at least six days before that date. So if the trial date is modified to 10-21 days from filing, the constable will have at least 4 and up to 15 days to serve the citation, depending on when the judge set the trial. Also requires the return to be at least 3 days before the trial date, whereas the current rule allows return the day of trial.

**RULE 743A – SERVICE BY DELIVERY TO PREMISES**

No substantive changes, other than requiring the return no later than the day before trial instead of the day of trial.

**RULE 744 – DOCKETED**

Makes explicit that no trial may be held less than six days after service. Proposal has been made to add that no counterclaims may be docketed, which is currently only in caselaw, and not in rules or statute. That would probably be helpful.

**RULE 745 – DEMANDING JURY**

Another difficulty with the current procedure is that the defendant has 5 days after service to request a jury. However, that is 5 days NOT COUNTING weekends/holidays. With the trial being 6-10 calendar days after service, it is often the case that the defendant can lawfully request a jury the day of the trial, which most courts can't accommodate, resulting in continuances or other problems. We modified to say they must request it at least 3 days before the trial date to allow the court to prepare.

**RULE 746 – TRIAL POSTPONED**

We extended the allowable continuance from 6 to 7 days, to accommodate many courts who hold evictions exclusively on one day of the week, this allows them to manage their docket in that manner legally. Additionally we eliminated the affidavit requirement, only requiring the party to show good cause.

**RULE 747 – ONLY ISSUE**

**RULE 748 – TRIAL**

**RULE 748A – REPRESENTATION BY AGENTS**

No substantive changes.

**RULE 749 – JUDGMENT AND WRIT**

Added a requirement that the plaintiff must request a writ of possession within 30 days of judgment and the constable has 30 days to execute it. Currently, many landlords negotiate with tenants and allow them to stay. Then months later, they become disenchanted and want their writ. A new contract has been formed, and it is not proper for it to terminate with the old writ. However, our court has no jurisdiction to do anything under current rules but issue the writ. The tenant would need to get an injunctive order and has no idea how to do that or that their rights are being infringed. This rule would drastically reduce/eliminate this practice.

A proposal has been made to add “without good cause shown” to these timeframes. A concern would be plenary power issues, but we would generally have no objection to this addition.

**RULE 750 – MAY APPEAL**

**RULE 750A – INABILITY TO PAY APPEAL COSTS IN EVICTION CASES**

No substantive changes.

**RULE 750B – PAYMENT OF RENT DURING NONPAYMENT OF RENT APPEALS**

Added the information from the latest legislative session regarding paying rent into the justice court registry when an appeal of a nonpayment of rent eviction is made via paupers affidavit. There is some objection to including this information here, since it is in the Property Code. Our thought was we wanted lay tenants to be able to read this set of rules and know their rights and responsibilities.

**RULE 750C – PAUPER’S AFFIDAVIT IN CASES WITH IMMEDIATE POSSESSION BONDS**

Ties into Rule 742 requiring a bond to be posted if the defendant wants to stay in possession when a court has ruled that immediate possession is appropriate. If 742 is removed/modified, this must be too.

**RULE 750D – APPEAL PERFECTED**

Currently also 750c in the draft. Needs renumbering. Nothing substantive.

**RULE 751 – FORM OF APPEAL BOND**

**RULE 752 – TRANSCRIPT**

**RULE 753 – DAMAGES ON APPEAL**

**RULE 754 – JUDGMENT BY DEFAULT ON APPEAL**

No substantive changes.

**RULE 755 – WRIT OF POSSESSION ON APPEAL**

Clarified process with information from Property Code.