

Cause No. \_\_\_\_\_

_____	§	
Plaintiff (Judgment Creditor)	§	In the County Court at Law
	§	
	§	
v.	§	No. 1
	§	
	§	
_____	§	
Defendant(s) (Judgment Debtor)	§	Fort Bend County, Texas

### Order Appointing Receiver

The court has considered Judgment Creditor's Application for Appointment of a Receiver under Texas Civil Practice and Remedies Code § 31.002. After reviewing the evidence and the court's file, the court **FINDS** that the judgment rendered in Cause No. \_\_\_\_\_ is valid, final, and fully payable. The judgment awarded was \$\_\_\_\_\_, including costs, with interest at the rate of \_\_\_\_\_% to be compounded annually. On \_\_\_\_\_ (date), the amount of any credits, payments, and offsets was \$\_\_\_\_\_.

The court **FINDS** that the judgment remains unsatisfied; that Judgment Debtor owns property that is not exempt from attachment, execution, or seizure for the satisfaction of the judgment; and that Judgment Creditor is entitled to the court's aid in reaching Judgment Debtor's nonexempt property to satisfy the judgment.

The court **FINDS** Plaintiff has attempted to collect the judgment, without success, by taking these actions:

<u>DESCRIPTION</u>	<u>DATE ATTEMPTED</u>	<u>RESULT</u>
Writ of execution		
Writ of garnishment		
Abstract recorded		
Written Discovery		
Deposition		
Motion compel/deem		
Other:		

\_\_\_\_\_ (Check if applicable) The court **FINDS** Defendant(s) has failed to respond to the Plaintiff's discovery requests. Defendant's avoidance of collection efforts and failure to cooperate justifies this order.

It is therefore ORDERED that the following person ("Receiver") is appointed under Texas Civil Practice and Remedies Code § 31.002 with authority to take possession of Judgment Debtor's nonexempt property that is in Judgment Debtor's possession or is subject to Judgment Debtor's control, sell the property, and pay the proceeds to Judgment Creditor to the extent required to satisfy the judgment. Judgment Debtor's nonexempt property may include financial accounts, certificates of deposit, and money-market accounts held by a third party.

**Receiver's Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_

State Bar No.: \_\_\_\_\_

*(The receiver's resume should be attached to this order)*

**Receiver's Additional Limited Powers:** Receiver also has the following limited authority. Receiver may: (1) obtain Judgment Debtor's credit information and credit reports; (2) obtain Judgment Debtor's financial information and records from Judgment Debtor or a third party; (3) certify copies of this Order; and (4) negotiate and obtain installment payment agreements with Judgment Debtor, if Receiver reasonably believes that a payment agreement is the best option to satisfy the judgment and Receiver provides Judgment Debtor with the Notice of Personal Property Rights approved by the Supreme Court of Texas. Receiver cannot reduce the total balance owed under the judgment without Judgment Creditor's authorization.

**Personal Property Rights of Judgment Debtor:** Receiver must comply with Texas Rule of Civil Procedure 679b.

**Turnover:** Judgment Debtor and any third party in possession of Judgment Debtor's property is ORDERED to turn over to the Receiver Judgment Debtor's nonexempt property within 7 days after receipt of this Order.

**Time Period:** This Receivership terminates on \_\_\_\_\_ (date, not to exceed 180 days after the date this Order is signed), unless extended by the court on request of Judgment Creditor or Receiver and on good cause shown.

**Receiver's Fee:** Receiver's fee is conditionally set at \_\_\_\_\_% of the funds collected during the receivership, subject to the Judgment Debtor's written agreement or later determination of reasonableness based on written agreement of the Judgment Debtor or

proof of the work performed and the results obtained. The court-approved fee will be taxed as costs against Judgment Debtor, and Receiver may collect that fee from Judgment Debtor in addition to the amount collected to satisfy the judgment.

**Receiver's Oath:** Receiver must file an oath to perform their duties faithfully before acting under this Order.

**Receiver's Bond (Check if Applicable)**

\_\_\_\_\_ No bond required; or  
\_\_\_\_\_ Receiver must execute a good and sufficient bond in the amount of \$\_\_\_\_\_ before acting under this Order.

**Receiver's Expenses:** Receiver must provide an accounting or receipts of any reasonable and necessary expenses, including those for storage of any property seized, to the court. Court-approved expenses will be taxed as costs against Judgment Debtor, and Receiver may collect those expenses from Judgment Debtor in addition to the amount collected to satisfy the judgment.

**Attorney's Fees:** Judgment Creditor's reasonable attorney's fees will be taxed as costs against Judgment Debtor.

**Receiver to Hold Property:** Receiver must not disburse funds to Judgment Creditor or sell property within 14 days after serving Judgment Debtor with the Notice of Protected Property Rights, the Instructions for Protected Property Claim Form, and the Protected Property Claim Form approved by the Supreme Court of Texas, or within 17 days if service was by mail. If Judgment Debtor asserts an exemption, Receiver may only disburse funds to Judgment Creditor or sell property with Judgment Debtor's written consent or a court order.

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

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**Hon. Christopher G. Morales**  
**Presiding Judge**  
**County Court at Law No. 1**  
**Fort Bend County, TX**