

## Appealing an Eviction based on a Lease Violation or Holdover

Appealing your eviction judgment may allow you more time at your current residence so that you can find a new place to live. The appeal process requires you to follow certain steps by certain dates. The steps to appeal an eviction based on a lease violation or holdover are slightly different than what is required for tenants that have been evicted for non-payment of rent.

If you were evicted for a **lease violation**, this means that your landlord evicted you, because you allegedly violated a term of your lease or community rules and policies.

If you were evicted for **holdover**, this means that you stayed on the property after your lease ended and you did not have the landlord's consent to continue to stay on the property.

**IMPORTANT:** If you have already attended your eviction hearing and you received an eviction judgment, you have 5-calendar days (including weekends and holidays) from the date the eviction judgment was signed to file an appeal. This 5-calendar day deadline may not be extended under any circumstances.

### How do I file an appeal if I was evicted for a lease violation or holdover?

Review the step-by-step instructions below.

NOTE: Most of the instructions in the [non-payment of rent eviction appeal video](#) are applicable to tenant's appealing lease violation or holdover eviction judgments. The most important difference between the two is that tenant's appealing lease violation or holdover eviction judgments are ***not*** required to deposit 1 month's rent into the J.P. court registry 5-calendar days after they file their appeal documents.

#### Step 1:

You have 5-calendar days (including weekends and holidays) from the date your eviction judgment was signed to file an appeal. To file your appeal, you must fill out a Statement of Inability to Afford Court Costs or Appeal Bond (SOI) form and file the completed form in the justice court precinct where you had your hearing.

For more information on the SOI form and to download a copy of the form, [click here](#).

Depending on your case, you may also wish to file a Defendant's Answer form with your SOI form. For more information on the Defendant's Answer form, [click here](#).

#### Step 2:

To continue to stay on the property until you find a new place to live or before your case is set for an appeal hearing in County Court, you must continue to pay rent as it becomes due under your lease.

These rent payments should be deposited into the Bexar County Court registry, which is in the basement of the Bexar County Courthouse downtown. The amount of rent you must deposit into the County Court is the amount of rent determined by the Justice Court judge and stated in your eviction judgement.

**Disclaimer:** These instructions are for informational purposes only and do not themselves constitute legal advice.

You have a 5-day grace period from the date your rent is due according to your lease, to deposit your rent into the County Court. So, for example, if your rent is due on the 1<sup>st</sup> of every month, you will need to pay rent to the County Court registry no later than the 5<sup>th</sup> of that month. Keep all receipts you receive for paying into the Bexar County Court Registry.

**Disclaimer:** These instructions are for informational purposes only and do not themselves constitute legal advice.