

CAUSE NO. _____

Plaintiff(s)

V.

Defendant(s).

§ IN THE JUSTICE COURT

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PRECINCT _____ PLACE _____

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BEXAR COUNTY, TEXAS

**DEFENDANT’S MOTION TO
CONTEST RENT DETERMINED IN EVICTION JUDGMENT**

Pursuant to Texas Property Code § 24.0053, Defendant, _____ (*your name*), submits this Motion, contesting the amount of rent determined by the Justice Court in the above-referenced case, and moves the Court to hold a hearing for the purpose of reconsidering the portion of the rent that Defendant must pay as part of the eviction appeal process, and in support thereof, shows the Court as follows:

1. On _____ (*date eviction judgment was signed*), the Court heard the above-referenced case and entered judgment for the Plaintiff in a residential eviction case based on nonpayment of rent.
2. In that judgment, the Court determined that the amount of rent that the Defendant must pay during the pendency of any appeal is _____ (*amount of rent as stated in judgment*).
3. Defendant contests the amount of rent the Court determined Defendant must pay during the pendency of any appeal, because the determination does not consider the portion of Defendant’s rent that is paid by a government agency. *See* Tex. Prop. Code § 24.0053(a), (c).

4. A government agency, _____ (*name of government agency*), is responsible for all or a portion of Defendant’s rent under an agreement with the landlord.

5. The government agency, _____ (*name of government agency*), is responsible for \$ _____ of Defendant’s monthly rent, and Defendant is responsible for paying \$ _____ in monthly rent pursuant to an agreement with the landlord. *See* supporting documentation attached to this motion.

6. Under Section 24.0053(a) of the Texas Property Code, “If the justice court enters judgment for the landlord in a residential eviction case based on nonpayment of rent, the court shall determine the amount of rent to be paid each rental pay period during the pendency of any appeal” and must make that determination “[i]n accordance with the terms of the rental agreement and applicable laws and regulations.”

7. Defendant intends to appeal the judgment in this case by filing a Statement of Inability to Afford Court Costs; therefore, the eviction appeal process requires Defendant to make payments into the Justice Court and County Court registries, in the amount noted in the judgment. *See* Tex. Prop. Code § 24.0053.

8. To fully exercise and enjoy their right to appeal the eviction judgment, Defendant requests that the Court hold a hearing, at the earliest time possible, to reconsider the amount of monthly rent that Defendant is responsible for considering that a government agency pays all or a portion of Defendant’s monthly rent that was not noted in the eviction judgment. Tex. Prop. Code § 24.0053(a), (c).

9. **Email Service:** The Defendant agrees to email service for all documents filed in this case. The Defendant’s email address is: _____.

10. **Attachments:** The Defendant attaches the following documents:

_____ (description of supporting documents).

Prayer

11. Defendant prays for an Order:

- a. Setting a hearing on this Motion.
- b. Determining the portion of the rent that must be paid by the Defendant during an eviction appeal, considering Defendant's government subsidy, the rental agreement and applicable laws and regulations.
- c. For such other and further relief to which Defendant may be entitled and for general relief.

Respectfully submitted,

Defendant's Signature Date

Printed Name: _____

Address: _____

Telephone: _____

Email: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of this answer was served on all parties on _____ (date) pursuant to Texas Rule of Civil Procedure 501.4.

Defendant's Signature

CAUSE NO. _____

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V.

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§ IN THE JUSTICE COURT
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§ PRECINCT _____ PLACE _____
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§ BEXAR COUNTY, TEXAS

ORDER

**ON DEFENDANT’S MOTION TO
CONTEST RENT DETERMINED IN EVICTION JUDGMENT**

On _____ (*date*) the Court considered Defendant’s Motion to Contest Rent
Determined in Eviction Judgment and **ORDERS** that the Motion is:

GRANTED.

A hearing on Defendant’s Motion will be held on _____ (*date*) at
_____ AM/PM.

The Parties are hereby ordered to bring evidence to the hearing on the Motion regarding
the amount of rent Defendant is responsible for, including evidence concerning whether a
government agency is responsible for all or a portion of Defendant’s monthly rent.

DENIED.

Signed on _____

JUDGE PRESIDING