



Constable Pct 3 - Bexar County Police Mark S. Vojvodich, Constable

Procedures for Writs of Possession

General Policy for the Constable's Office/Information for Plaintiff or Designated Agents

A Writ of Possession is an order from the court to the constable and is strictly followed. **Writs are scheduled in order of receipt** and the deputy working that geographical area will schedule the Writ for the earliest possible date and time. A Writ will not be scheduled or executed if it is raining, sleeting or snowing in accordance with the law. Do not enter the premises until the Deputy arrives and he makes entry first for both safety and considerations and to ensure the Writ is properly executed.

There is a 5 day appeal time period from the date of judgment and a 10 day period to allow for appeals by mail, if postmarked by the 5th day of appeal time period. The JP Court does not permit the Constable to execute any Writ until the period has passed even if the Constable is in possession of the Writ. Writs will not be executed until after all appeal dates have passed.

The Plaintiff will call the Constable's Office to schedule the Writ. The Officer working the area where the premises are located will coordinate a date and time for execution. **This date is dependent upon the workload, weather and appeal time periods.** Writs will be scheduled upon availability of the officer.

The Plaintiff or their designated agent will meet the Deputy executing the Writ on the date and time specified. The Plaintiff shall have keys to the premises or a locksmith as needed to make entry. The Plaintiff will have enough personnel to remove all the Tenants and a supply of boxes and trash bags to ensure the Writ is completed within 2 hours. The Deputy will suggest guidelines for the number of moving personnel based upon the size of the premises and its contents, and supervises the removal. Tenant's property must remain in the same condition it is found and must be cared for properly, there must be sufficient personnel and supplies to complete the move within 2 hours and all personnel shall Follow the directions of the Deputy regarding safety and procedures, or the Deputy will terminate the Writ. The property and action is under our care until all property is removed, inventoried, the premises delivered, personnel departed and the Writ executed.

The Deputy must make entry first. If the Plaintiff or any of the Plaintiff's personnel are already inside the premises when the Deputy arrives, the Plaintiff has effectively taken possession and the Deputy will leave and return the Writ to the Court Unexecuted. When the Deputy enters, he/she will advise all occupants that the Writ is being executed and that all occupants are to vacate the premises immediately. The occupants may be allowed to remove their own property if they do so in a timely manner and do not interfere with any of the Plaintiff's personnel.

The Deputy does not serve just the Plaintiff or the Tenant. We serve the Court in executing its instructions and act to keep the peace during the execution of its civil process as well all parties in a general sense.

Questions regarding Justice of the Peace Court procedures are referred to the Court. Questions regarding the execution or level of service received from the Constable's Office should be should be addressed to Lieutenant James Roberts and we invite your suggestions, critiques or comments to improve our services. Lieutenant James Roberts may be reached at (210) 335-4750.

Revised 04/30/2013