

Midland County Justice Courts Pct.3

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
<i>(Plaintiff - Applicant)</i>	§	
Vs.	§	PRECINCT NO. _____
_____	§	
<i>(Defendant - Occupant)</i>	§	MIDLAND COUNTY, TEXAS

APPLICATION FOR WRIT OF RETRIEVAL

The undersigned Applicant makes this Application for a Writ of Retrieval of personal property found at the residence in which Applicant is, or was previously, authorized to occupy ("Residence"):

PLAINTIFF - APPLICANT: _____

CURRENT ADDRESS: _____
Street *Apt/Suite #*

HOME PHONE: _____ WORK PHONE: _____ FAX: _____

E-MAIL: _____

(LOCATION OF RESIDENCE FOR WRIT OF RETRIEVAL): _____

BEING DULY SWORN ON HIS/HER OATH DEPOSES AND SAYS THAT:

Occupant who is currently occupying the residence is:

DEFENDANT - OCCUPANT: _____

And may be given notice of this application at the following address.

ADDRESS (1): _____
Street *Apt/Suite #*

ADDRESS (2): _____

HOME PHONE: _____ WORK PHONE: _____ FAX: _____

E-MAIL: _____

The following is a **listing and specific description** of the items that I seek to be allowed to retrieve from the Residence: *(Attach separate sheet, if necessary)*

APPLICATION FOR WRIT OF RETRIEVAL (cont'd)

I certify that all of the following statements are true:

- 1) The Items listed in this Application are **ONLY** of the following types: *medical records; medicine and medical supplies; clothing, child-care items; legal or financial documents; checks or bank or credit cards in the name of Applicant; employment records; personal identification document; copies of electronic records containing legal or financial documents; assistance animals or service animals, as defined by Section 121.002, Human Resources Code, used by me or my dependents; wireless communication devices, as defined by Section 545.425(a), Transportation Code, belonging to me or my dependents; tools, equipment, books, or apparatus used by me in my trade or profession.*
- 2) I will suffer personal harm and/or the personal health and safety of myself or others within my care will likely be at risk if I am unable to retrieve the items, and I have an urgent need to retrieve the items from the Residence.
- 3) I have attached a lease, sworn statement or other documentary evidence showing that I am, or was previously, authorized to occupy the Residence. I am currently unable to enter the Residence because the current occupant named above has denied me access to the Residence or poses a clear and present danger of family violence to my dependents or myself.
- 4) I am **not** the subject of an active protective order under Title 4, Family Code, a magistrate's order for emergency protection (**EPO**) under Article 17.292, Code of Criminal Procedure, or any court order prohibiting my entry into the Residence; or otherwise prohibited by law from entering into the Residence.
- 5) I and the current Occupant **are not** parties to a pending divorce or annulment case under Title 1, Family Code.
- 6) My right to possession of the items described in this application is not subject to a decree of divorce or annulment to which I and the current Occupant are parties.

I request that this Writ of Retrieval be issued ex-parte (*without notice to the current occupant of the Residence*), because the following facts are true:

- The current Occupant of this Residence poses a clear and present danger of family violence to me; and
- My dependent or I will suffer immediate and irreparable personal harm if the application is denied.

Plaintiff – Applicant Signature

Date

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

Use this form if the occupant of your current or former residence has possession of property which you have an urgent and immediate need to retrieve (such as medication or child care supplies).