

Brown County Constable Fees
Proposed for 2023
(Fees become effective January 1, 2023)

<u>DESCRIPTIONS</u>	<u>FEES/COSTS</u>	<u>MISC. NOTES</u>
<p>Criminal Service Fees Per Texas Code of Criminal Procedure Article 102.011 as established by this article.</p> <p>Civil Service Fees Per Texas Rules of Civil Procedures Rule 126</p>		
<p>All Writs and/or Orders involving the Seizure of Property or Persons, Sale of Property, etc. but not limited to each Writ of Attachment, Writ of Garnishment, Writ of Sequestration, Writ of Possession, Order of Sale, Writ of Execution, Writ of Re-entry, Turnover Order, Injunction, Distress Warrant, Tax Warrants or Writ not otherwise provided for or the Enforcement of a Judgment that <u>exceed thirty minutes</u> in the execution or enforcement of such Writ/Order will be assessed an additional of <u>\$35.00 per hour fee per officer for each hour or portion thereof</u>. When property/person is seized as a result of executing any court order including but not limited to each Writ of Attachment, Writ of Sequestration, Writ of Possession, Order of Sale, Writ of Execution, Writ of Re-entry, Turnover Order, Injunction, Distress Warrant, Tax Warrants or Writ not otherwise provided for, <u>but there is no sale or collection, an extra fee of \$60.00 shall be charged</u>. Writs/Orders must specifically state disposition of property/person or to whom the property/person is to be released to.</p>	<p>\$150.00 plus any other expenses incurred, such as mileage for transport, at current state approved mileage rate, storage, hauling, etc.</p>	
<p><u>County Commission due on Writs of Execution and Order of Sale, or any other service pertaining to County Sheriff/Constable Commissions</u>, when the same is made by a sale: <u>10 percent of total judgment and interest amount combined</u>, or \$100.00 whichever is greater. When the money is collected by the Sheriff or Constables without a sale, the fee shall be half of the above rates.</p>	<p>\$150.00 and other expenses incurred</p>	
<p>Writ of Attachment (PERSON) (Person to which attached person is to be released to must be within one mile unless attached person is going to jail)</p>	<p>\$150.00 plus any other expenses such as mileage incurred for transport, at current state approved mileage rate</p>	
<p>Writ of Attachment (PROPERTY)</p>	<p>\$150.00 plus hauling, storage, and other expenses incurred</p>	
<p>Writ of Garnishment</p>	<p>\$150.00 and other expenses incurred</p>	
<p>Order of Sale</p>	<p>\$150.00 (levy) plus any other expenses incurred</p>	
<p>Writ of Execution</p>	<p>\$150.00 (levy) plus costs (advertising storage, moving, commission, etc.)</p>	

September 19, 2022

(Exhibit #4)

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Writ of Execution – collecting money without sale	\$150.00 (levy) plus costs (advertising, storage, moving, etc) plus ½ (one half) commission	
Writ of Execution – Nulla Bono Return	\$150.00	
Writ of Retrieval (also known as, and referred to as, Order of Retrieval)	\$150.00 plus any other expenses incurred. An execution of this Writ of Retrieval that requires an Officer to remain on scene for more than 30 minutes will be charged at the rate of \$35.00 per officer/per hour, or any portion of an hour thereof	
Writ of Possession	\$150.00	
Distress Warrant	\$150.00	
Injunction	\$150.00	
Writ of Re-Entry	\$150.00	
Turnover Order	\$150.00	
Tax Warrant	\$150.00	
All other Writs not specified	\$150.00	
Citation for Eviction or Forcible Detainer	\$85.00 Forcible Detainer or Eviction requiring an officer to remain on scene for more than <i>thirty (30) minutes</i> will be charged at the rate of \$35.00 per hour/per officer or any portion of an hour thereof	
Subpoenas - any court	\$85.00	
Summons - any court	\$85.00	
All other Courts' Citations (any type, not specified)	\$85.00	
Delinquent Tax Suit - Citation	\$85.00	
Show Cause	\$85.00	
Notice of Hearing	\$85.00	
Restraining Order	\$85.00	
Citation by Publication	\$85.00 plus publication cost	
Citation by Certified Mail	\$85.00 plus cost of mailing	
Posting Trustee Sales	\$85.00	
Posting any other Notice as required by law	\$85.00 each location	
Executing Deed to Real Estate under Execution or Order of Sale	\$85.00	
Executing Bill of Sale for Personal Property under execution or Order of Sale	\$85.00	
Executing Replacement Bill of Sale not recorded	\$25.00	
Executing Replacement Deed not recorded	\$25.00	
Executing Notice of Sale under Execution or Order of Sale (Public Postings)	\$85.00 (each location) plus publication cost, etc	
Executing Deed to Real Estate under Execution or Order of Sale	\$85.00	

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(f) On or before October 15 of the year in which the fees are initially set, the Commissioner's Court shall provide written notice of the amounts of the fees to the Comptroller. If the Commissioners Court changes the amount of a fee set under this section, the Commissioners Court shall provide to the Comptroller, on or before October 15 of the year in which the amount is changed, a written notice of the change in the amount of the fee. Before December 15 of each year, the Comptroller shall compile the fee information provided by counties and send the compilation to:

(1) The Commissioner's Court of each county in this state;

(2) Any statewide association of counties or of officers of counties that requests in writing before December 15 to be informed; and

(3) The State Bar of Texas.

(g) A Commissioner's Court that receives a notice under Subsection (f)(1) shall furnish the notice to its District Clerk, County Clerk, Justices of the Peace, Sheriff, and Constables.

(h) If the Commissioner's Court does not set fees under this section, the fees for services by the offices of the Sheriff and Constables are those fees provided by law in effect on August 31, 1981.

i) The Commissioner's Court may not assess an applicant a fee in connection with the filing, serving, or entering of a Protective Order. A fee may not be charged to an applicant to dismiss, modify, or withdraw a Protective Order.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 21(a), eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 326, § 1, eff. May 29, 1993; Acts 1995, 74th Leg., ch. 144, § 1, eff. Aug. 28, 1995; Acts 1995, 74th Leg., ch. 1024, § 19, eff. Sept. 1, 1995.