

JUDGE JOSE R. LOPEZ II, TAX MASTER
TAX COURT RULES & PROCEDURES
COURTS: 11TH 55TH 80TH 129TH 165TH 215TH 234TH 270TH 295TH 333RD

JUDGMENTS

- All judgments submitted must be final judgments unless prior approval for a partial judgment is obtained from the Court. All final judgments shall be labeled "**Final Judgment.**"
- All information contained in the judgment must be typed, including amounts (no white outs or mark outs).
- On the certificate of service in the judgment label each property owner as "**defendant**".
- Numbers in the evidence must match the numbers in the judgment.
- File a default checklist for all defaulting defendants. This includes cases that are partial defaults.
- Include trial dates on both the default checklist and master's report.
- All first trial hearing with answers the notices must be mailed or faxed to all parties, including defaulting parties and property in question if possible, at least 45 days before the trial setting. The first default hearing notices and any cases that have been continued must be mailed or faxed to all parties, including defaulting parties and property in question if possible, at least 20 days before the setting.
- Mail Manifest(3877), Green Cards, Fax confirmations or any other method of service shall be e-filed 10 days before a trial/default hearing
- If the court generates the notice of trial, Plaintiffs' counsel is responsible for sending the notice to all parties, including defaulting parties and property in question if possible, within 3 days of receiving the notice.

JUDGE'S PACKET

When submitting a final judgment, please include the following items in addition to any evidence introduced during the trial or default hearing:

1. Answers
2. Citation returns
3. Ad Litem answer(s) and affidavit(s)
4. Proof that trial or default notices were sent to all parties, including defaulting parties and property in question if possible, via certified mail (Form 3877 or copies of the green cards) and regular mail. If a party is represented by counsel, include proof that counsel received notice electronically or in any other manner acceptable under TRCP 21a.
5. Trial Notice
6. Master's Report
7. Evidence
8. Affidavit of Abstractor's Fees and Recovery of cost and Expenses Affidavits shall be supported with invoices.
9. For cost judgments, please include copies of the 3 cost letters mailed via regular and certified mail to the defendant.
10. For defaulting parties, Plaintiff counsel shall include a Default Checklist and Non-Military Affidavit.
11. Cases with AAL's appointments, include the Supreme Court of Texas Fee Report and Statement of Evidence.
12. Cases in which certified delinquent tax statement fails to prove ownership, Plaintiff's counsel shall provide proof of ownership.

ATTORNEY AD LITEM (AAL)

Appointment of Attorney Ad Litem

- File motion to appoint attorney ad litem within 10 days of filing the return of citation with the court. (Per Protocol).
- Set motion to appoint attorney ad litem within 15 days of filing the motion. (Per Protocol)
- Motion for reappointment or motion to appoint AAL for additional parties must clearly state relief requested and the basis for motion.

Dismissal in Protocol Cases

- All dismissals in protocol cases shall have an AAL signature

Duties of Attorney Ad Litem

- To file an answer within the time limits specified by the Texas Rules of Civil Procedure
- Ad Litem needs to request a Packet from Plaintiff's counsel immediately (Tax Protocol)
- Attorney Ad Litem needs to fulfill his or her duties within (60) days. He or she shall e-file their affidavit along with exhibits to the court and deliver a copy to the Plaintiff's counsel.
- Attorney Ad litem shall e-file a notice of "Identification of Heirs or Other Parties" with the court and shall deliver a copy to the Plaintiff's counsel.
- The Attorney Ad Litem will need to contact Plaintiff's counsel within thirty (30) days to see if service has been established, if additional work is needed to be conducted or when the case needs to be set for trial.
- Attorney Ad Litem's are required to appear at trial
- If the Attorney Ad Litem needs more time on his or her case a Motion for Continuance shall be e-filed immediately and serve a copy on Plaintiff's counsel.

Duties of Plaintiff's Counsel

- Within two (2) weeks after the appointment or after a request Plaintiff's Counsel shall forward documents to the Attorney Ad Litem (Tax Protocol)
- Plaintiff needs to contact the court if the attorney ad litem has not made any communication nor forwarded an affidavit by the 60th day of receipt of information
- The Plaintiffs shall then immediately act on the Ad Litem's findings by:
 - If no additional defendants, owners, heirs or interested parties were found request a trial setting with the court.
 - If additional defendants, owners, heirs or interested parties are found immediately seek service(s). Once service(s) has been accomplished and or an answer has been filed the Plaintiff will then request a trial setting.

EXCESS PROCEEDS

- Set for the 2nd Friday of each month at 1:30 pm
- Parties seeking excess proceeds must send the notice of the hearing at least 60 days before the hearing.
- Submit proof that notice of the hearing was sent out by either a Mail Manifest (Form 3877), Green Cards or a fax confirmation.
- Motion should state
 - the amount of funds that are in the registry
 - proof how or why the proceeds are divided among the parties listed in the judgment;
 - the amount requested per party;

- the date of judgment and sale; and
- the statutory authority for the motion
- If more than one party seeks and is entitled to proceeds from the registry, the parties should confer and submit one order.
- Must submit orders Granting and Denying the motion along with a Master in Chancery's Report to the District Court

CERTIFICATES OF CONFERENCE

- Certificate of conference must be included on all motions and Trial/Default Notices, except summary judgment motions, Rule 106 and any other motions pursuant to Harris County Local Rules.

CERTIFICATES OF SERVICE

- List name of Certifying Attorney
- List names, address, fax number of parties if possible and label each property owner as “defendant”.
- Note method of service (electronic service, certified return receipt number, fax, etc.) for each party.
- If the party is represented by an attorney note which party the attorney represents.

COUNSEL

- All counsel of record must be signed up to receive electronic notices from the district clerk.

MOTIONS

- Submit an order granting and an order denying with each motion filed.
- Submit a Master's Report with each motion filed.
- Motions should clearly state the relief requested and the basis for the motion.

DOCKET SCHEDULE

Friday

8:30 AM AAL Trials – all AD LITEMS MUST APPEAR

9:00 AM Submission Docket
 Motions for Ad Litem Rule 106 Motions

9:05 AM Non-Submission Docket
 Motion for New Trial Continuances
 Withdrawal or Substitution of Attorney Motion to Reinstate

10:00 AM Trials

1:30 PM (2nd Friday of the month)
 Pretrial Motions Motion to Modify
 Summary Judgments Nunc Pro Tunc
 Motion for Discovery Motion to Appoint Attorney for
 Receiver Motion to Vacate
 Excess Proceeds (2nd Friday of the month) Set Aside Judgments
 Status Conferences