

JUDGE MAUREEN GARRETT – TAX MASTER RULES & PROCEDURES
TAX COURT RULES & PROCEDURES
COURTS: 61ST, 113TH, 151ST, 152ND, 157TH, 189TH, 190TH, 269TH, 334TH

JUDGMENTS

- 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 “typed” 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 or default hearing notices must be mailed to all parties, including defaulting parties, at least 45 days before the trial setting. Trial or Default hearing notices on any case that have been continued must be mailed to all parties, including defaulting parties, 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, within 3 days of receiving the notice
- If the property is occupied, or if it is unclear whether the property is occupied, notice of trial or default must be sent to the property in addition to all other parties.

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, 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 – Certified Delinquent Tax Statements
8. Affidavit of Abstractor’s Fees and Recovery of Costs and Expenses Affidavits, shall be supported with invoices in the amount of \$500 or more.
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 Affidavits
11. For cases with AAL’s appointments, include the Supreme Court of Texas Fee Report and Statement of Evidence
12. For cases involving real property only in which certified delinquent tax statement fails to prove ownership, Plaintiff’s counsel shall provide proof of ownership for personal liability defendants only. *(Not applicable for IN REM Defendants)*

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

Duties of Attorney Ad Litem

- File an answer within the time limits of the Texas Rules of Civil Procedure
- File “Identification of Heirs or Other Parties” with court within 10 days of locating heirs or other parties
- File AAL Affidavit (per the approved template provided on the court website) with court upon substantial completion of work, including any amendments no later than 10 days before trial
- AAL Fee is \$150 per hour and staff fees will not be considered.
- Visit to property and post Door Notice (per sample provided on the court website)
- Appear at trial

DISMISSALS

- All Dismissals shall be titled with “Interlocutory”, “Partial” or “Final”
- In protocol cases, All Dismissals shall have an AAL signature
- All Dismissals shall have a notation both in the Motion/Notice as well as on the Master’s Report indicating the reason for dismissal, an AAL was/was not appointed and/or paid and state that court costs have been paid.

EXCESS PROCEEDS

- Set every Wednesday at 10 a.m.
- Provide proof that District Clerk’s letter to the property owner was sent pursuant to §34.03 or §34.04 of the Texas Property Code. The moving party must prove notice of the hearing and compliance under §34.03 or §34.04 of the Texas Property Code to all parties in the final judgment was sent no later than the 20th day before the hearing. However, if the clerk’s letter pursuant to §34.03 or §34.04 of the Texas Property Code is not available, the moving party must prove notice of hearing to all parties in the final judgment was sent at least 60 days before the hearing. (Per Protocol)
- Submit proof that notice of the hearing was sent out (Form 3877) or fax confirmation
- Motion should state and include:
 - the amount of funds that are in the registry;
 - prove how and why the proceeds are divided among the parties listed in the judgment;
 - the amount requested per party;
 - the date of judgment and sale;
 - the statutory authority for the motion; and
 - Except for taxing units, each petitioner shall provide a **supporting affidavit signed under oath** stating their relationship to the title owner to substantiate awarding funds
- If more than one party seeks and is entitled to proceeds from the registry, the parties should confer and submit one order, if possible
- Must submit orders Granting and Denying the motion

CERTIFICATES OF SERVICE

- List name of Certifying Attorney
- List names, address and fax number of parties served
- 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

MOTIONS

- Submit an order granting and an order denying with each motion filed
- All motions must include a certificate of conference, except summary judgment motions, Rule 106 and any other motions pursuant to Harris County Local Rules.
- Submit a Master's Report with each motion filed
- Motions should clearly state the relief requested and the basis for the motion
- Rule 106 requires "6 attempts" with one before 8 a.m. and one after 5 p.m.
- Unopposed motions must be signed by both parties.

DOCKET SCHEDULE - Wednesdays

10:00 A.M.	Substitute Service, Excess Proceeds, Nunc Pro Tuncs, Defaults, Trials, Continuances, Status Conferences, Motions for New Trials, Pre-Trial Motions
11:30 A.M.	Protocol AAL trials only

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