



**ELLIS COUNTY COURT AT LAW NO. 1
JUDGE JIM CHAPMAN**

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EVICITION APPEALS FROM JUSTICE COURT

Dear Litigant:

This letter is to explain the Court's procedures for trial regarding an eviction appeal in the Ellis County Court at Law No. 1 (CCL1). This does not constitute legal advice, and you should consult or retain an attorney for legal advice in your case. In fact, if you are appearing as a business entity, such as a corporation, LLC or partnership, you ***must be represented by legal counsel*** in this Court unless the exception below applies.

Only in the specific circumstance that an eviction involves a ***multifamily residential property where eviction is sought because of non-payment of rent*** may a non-attorney represent the owner. Then, and only then, may a non-attorney appear for an owner under the following procedure:

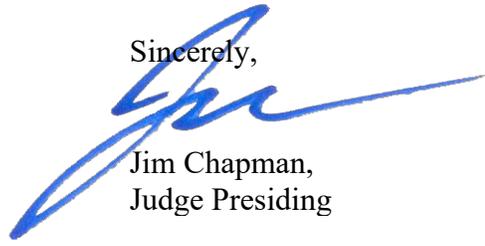
1. If the owner of the property is an individual, the owner may designate an authorized agent to appear on their behalf at trial. This written designation should be filed with the court at the time a trial setting is requested.
2. If the owner of the property is a corporation or other entity, the owner may designate in writing an employee, owner, officer or partner of the entity to appear on their behalf at trial. This written designation should be filed with the court at the time a trial setting is requested.

Trial in the CCL1 is very different, and more formal procedurally, than a trial in a Justice Court. The Texas Rules of Evidence will apply, and a record of the trial proceedings will be taken by the Official Court Reporter for the CCL1. It is recommended that even when the non-attorney exception is a possibility, that the owner consider retaining legal counsel.

The trial on appeal is "de novo" which, in ordinary terms, means a new trial from scratch. None of the testimony given, or exhibits admitted, at trial in the JP Court will be considered on appeal. Everything must be presented again anew at trial in the CCL1. You must come prepared with your evidence and witnesses to establish that you have the superior right to immediate possession of the premises in question, that proper notice of the eviction demand to vacate was given or not given as the case may be, and that if you requested the setting you have properly notified the other side of the trial setting.

Any party may request a trial date from the Court Coordinator once the Ellis County Clerk notifies you the case has been transferred and docketed in the CLL1. The case will then be set at the earliest available trial setting. If you request the trial date, it is your responsibility to notify the other side of the setting. You may contact the Court Coordinator if you have additional procedural questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jim Chapman', with a long horizontal flourish extending to the right.

Jim Chapman,
Judge Presiding