

NAVARRO COUNTY

MELISSA BUTLER
COURT COORDINATOR



LESLIE KIRK
OFFICIAL REPORTER

JAMES LAGOMARSINO
JUDGE, 13TH JUDICIAL DISTRICT COURT
NAVARRO COUNTY COURTHOUSE
300 W. 3RD AVE., SUITE 202A
CORSIANA, TEXAS 75110
(903) 654-3020 PHONE (903) 875-3939 FAX
WEBSITE: WWW.CO.NAVARRO.TX.US/IPS/CMS

May 18, 2020

RE: In The Supreme Court Of Texas (Misc. Docket No. 20-9066)
Fifteenth Emergency Order Regarding The COVID-19 State of Disaster
In The Supreme Court of Texas (Misc. Docket No. 20-9067)
Sixteenth Emergency Order Regarding The COVID-19 State of Disaster

Dear Counsel and Litigants:

Please find attached the fifteenth and sixteenth emergency orders issued by the Texas Supreme Court on May 14, 2020.

Respectfully,

A handwritten signature in blue ink, appearing to read 'James Lagomarsino', is written over a large, light blue circular stamp or watermark. The signature is fluid and cursive.

James Lagomarsino
District Judge / Local Administrative Judge

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9066

FIFTEENTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This Order is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2. Paragraph 7 of the Twelfth Emergency Order (Misc. Dkt. No. 20-9059) provides that in any action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of the Texas Rules of Civil Procedure: (a) no trial, hearing, or other proceeding may be conducted, and all deadlines are tolled, until after May 18, 2020; (b) a writ of possession may issue, but the posting of the written warning required by § 24.0061(d)(1) of the Property Code and the execution of the writ of possession may not occur until after May 25, 2020, and the deadlines in Rules 510.8(d)(1)–(d)(2) are suspended while this Order remains in effect; and (c) new filings may be accepted, but the time period in Rule 510.4(a)(10) is suspended, and issuance and service of citation may not occur until after May 18, 2020. Beginning May 19, 2020, eviction proceedings may resume and deadlines are no longer tolled, and beginning May 26, 2020, warnings may be posted and writs of possession may be executed.

3. For eviction proceedings filed from March 27, 2020, through July 25, 2020, a sworn petition containing “a description of the facts and grounds for eviction” required by Texas Rule of Civil Procedure 510.3(a)(2) must state that the premises are not subject to the moratorium on evictions imposed by Section 4024 of the CARES Act.

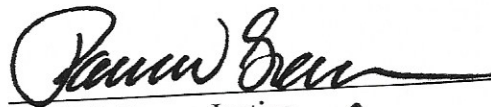
4. This Order is effective immediately and expires July 25, 2020, unless extended by the Chief Justice of the Supreme Court.

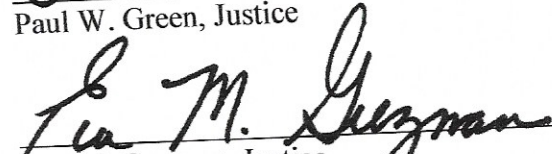
5. The Clerk of the Supreme Court is directed to:
- a. post a copy of this Order on www.txcourts.gov;
 - b. file a copy of this Order with the Secretary of State; and
 - c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

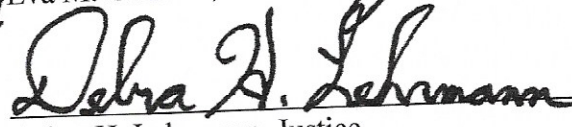
6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

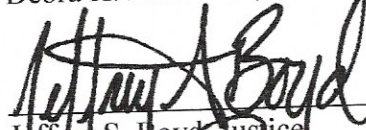
Dated: May 14, 2020

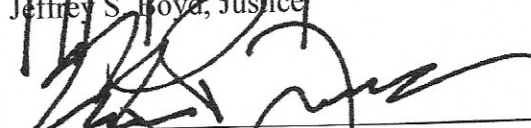

Nathan L. Hecht, Chief Justice

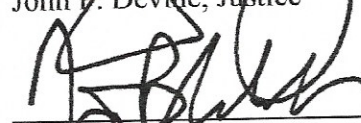

Paul W. Green, Justice

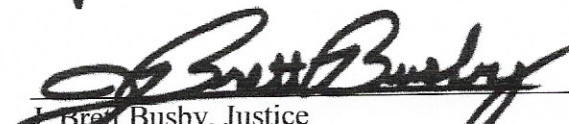

Eva M. Guzman, Justice

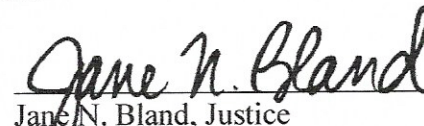

Debra H. Lehrmann, Justice


Jeffrey S. Boyd, Justice


John P. Devine, Justice


James D. Blacklock, Justice


J. Brett Busby, Justice


Jane N. Bland, Justice

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9067

SIXTEENTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This Order is issued pursuant to Section 22.0035(b) of the Texas Government Code.

2. This Order is effective upon the expiration of the 14th Emergency Order Regarding the COVID-19 State of Disaster.

3. In any action to collect consumer debt as defined by Texas Finance Code Section 392.001(2):

a. Issuance and service of writs of garnishment and turnover orders may resume, but an individual judgment debtor or receiver shall be entitled, upon request, to a hearing (either in person or remotely, as local circumstances permit), within two business days of the court's receipt of the request, to determine what funds are attributable to a stimulus payment received pursuant to Section 2201 of the CARES Act;

b. Courts and turnover receivers appointed under Texas Civil Practice & Remedies Code Section 31.002 must release or refund any stimulus payments affected by garnishment or turnover;

c. Receivers and judgment creditors shall send an additional notice to the judgment debtor in the same manner prescribed by Rule 663a of the Texas Rules of Civil Procedure, that shall read as follows:

“IF YOU RECEIVED A STIMULUS PAYMENT FROM THE IRS UNDER THE CARES ACT, THE AMOUNT YOU RECEIVED MAY BE SUBJECT TO A COURT STAY PROTECTING THOSE FUNDS DURING THE CURRENT EMERGENCY. YOU HAVE A RIGHT TO REQUEST A HEARING WITH THE COURT, AND THE COURT WILL CONSIDER YOUR REQUEST ON AN EXPEDITED BASIS.”

4. This Order expires August 12, 2020, unless extended by the Chief Justice of the Supreme Court.


5. The Clerk of the Supreme Court is directed to:
 - a. post a copy of this Order on www.txcourts.gov;
 - b. file a copy of this Order with the Secretary of State; and
 - c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

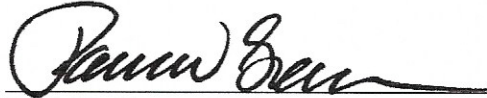
Dated: May 14, 2020

JUSTICE BOYD dissents as to paragraph 3.b. and would instead instruct courts and turnover receivers to apply any applicable substantive federal or state law when determining whether any stimulus payments affected by garnishment or turnover should be released or refunded.

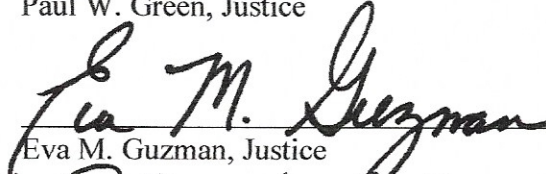
JUSTICE BLACKLOCK dissents and would allow the proceedings in question to resume under their normal procedures.



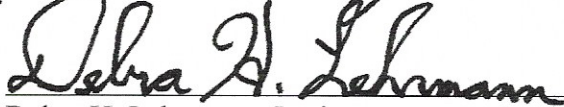
Nathan L. Hecht, Chief Justice



Paul W. Green, Justice

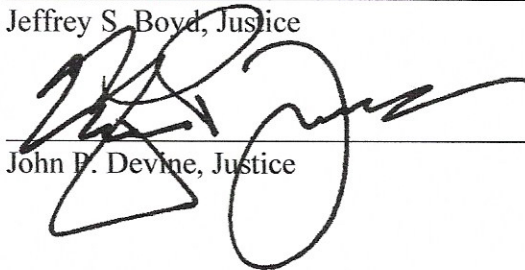


Eva M. Guzman, Justice



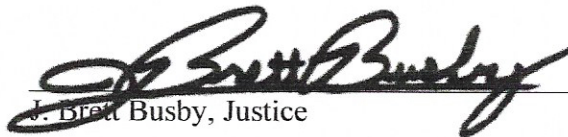
Debra H. Lehrmann, Justice

Jeffrey S. Boyd, Justice

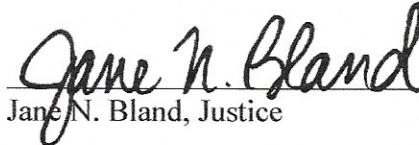


John P. Devine, Justice

James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice