

## **Affidavit of Inability to Post Appeal Bond or Pay Costs for Appeal**

An Affidavit of Inability to post an Appeal Bond or Pay Costs is a statement to the court, under oath, that you do not have the financial means to post an appeal or cash bond or pay court costs for the appeal. You are eligible to appeal by filing an affidavit of inability to pay if you have little or no income or assets, or may be entitled to government benefits.

If you file the affidavit, the landlord has the right to contest it. In such a case, the Justice of the Peace must hold a hearing and determine whether you have the money to pay an appeal bond and costs. You may want to bring any paycheck stubs, paperwork for government benefits, and a copy of your bank account balance to show the judge that you may be eligible.

You must file the affidavit under oath and give truthful and complete information; it is perjury to make false statements. It is also going to hurt your chances of winning your case if you are not completely truthful in listing all your income accurately. If you estimate something, indicate that on the form.

Note: If you are appealing an eviction for nonpayment of rent using the affidavit of inability, you will have to deposit one rental payment with the JP court within five days of filing the affidavit and continue to deposit rental payments as they come due with the county court in order to remain in possession of the premises while the appeal is pending.

### **How to fill in the blanks in the form:**

1 The first blank at the top of the form is the Case Number. This number is on the documents you were served with by the constable or sheriff from the court.

2 On the right side at the top is the court information. Put the County of suit in the blank and put which Precinct and Place of the justice court where the suit was filed (e.g., Precinct 1, Place 2, Dallas County, Texas). This information is also on the documents you were served with by the constable or sheriff from the court.

3 Since the landlord filed the suit, it is the Plaintiff. Put your name in the blank for Defendant. Also, put your name in again in the first sentence of the form. Then put the date the judge ruled against you. Note: This form must be filed in the J.P. court within five days of the judgment. (In counting the five days, you must count weekends and holidays, unless the fifth day is a day the court

Cause No.

Plaintiff	§	IN THE JUSTICE COURT
	§	
v.	§	PRECINCT
	§	
Defendant	§	, TEXAS

**Defendant's Notice of Appeal and Affidavit of Inability to File Appeal Bond**

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, Defendant in the above-styled and numbered cause, which she/he, as appellant, desires to appeal to the County Court of this county. Defendant, being by me duly sworn, on oath states that, on the \_\_\_\_\_ day of \_\_\_\_\_ in the above-styled and numbered cause, the court signed a judgment in favor of the landlord. Defendant desires to appeal the court's judgment, but Defendant is unable to pay the costs of appeal or any part thereof, or give security therefor or any part thereof. Defendant hereby gives notice of appeal of this court's judgment.

Defendant's Signature, Pro Se

Defendant's Name

Street Address

City/State/Zip code

Phone Number

Sworn to and subscribed before me by the said, \_\_\_\_\_,  
Defendant, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to certify which  
witness my hand and seal of office.

\_\_\_\_\_  
Court Clerk/Notary Public in and for  
\_\_\_\_\_ County, State of Texas

Certificate of Service

I hereby certify that a true and correct copy of the foregoing affidavit of inability to  
pay appeal bond has been:

[mark the appropriate box]

sent by certified mailed, return receipt requested; or

faxed; or

hand delivered

to \_\_\_\_\_ agent for the Plaintiff, on this  
\_\_\_\_\_ day of \_\_\_\_\_ .

\_\_\_\_\_  
Defendant