

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

Johnny Vasquez v. Sonia Sotello

Vasquez v. Sotello · No. 04-21-00215-CV · Decided September 16, 2021

SUMMARY

The Fourth Court of Appeals of Texas denied Johnny Vasquez’s motion for an emergency stay of a writ of possession arising from a county court judgment for possession of a manufactured home. The court held that the motion did not show compliance with Texas Property Code section 24.007, including the filing of a supersedeas bond within the required period, and denied relief without prejudice.

OPINION

Johnny Vasquez v. Sonia Sotello

PER CURIAM.

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Fourth Court of Appeals San Antonio, Texas September 16, 2021 No. 04-21-00215-CV Johnny VASQUEZ, Appellant v. Sonia SOTELLO, Appellee From the County Court at Law No. 3, Bexar County, Texas Trial Court No. 2021CV00358 Honorable David J. Rodriguez, Judge Presiding

ORDER

Sitting: Patricia O. Alvarez, Justice Luz Elena D. Chapa, Justice Irene Rios, Justice In this appeal from a county court’s May 19, 2021 judgment for possession of a manufactured home, Appellant filed a notice of appeal on May 25, 2021, but the clerk’s record has not yet been filed. On September 15, 2021, Appellant moved this court to grant an emergency stay of a writ of possession. “A judgment of a county court may not under any circumstances be stayed pending appeal unless, within 10 days of the signing of the judgment, the appellant files a supersedeas bond in an amount set by the county court.” TEX. PROP. CODE ANN. § 24.007 (emphasis added); accord *Marshall v. Hous. Auth. of City of San Antonio*, 198 S.W.3d 782, 786 (Tex. 2006). Appellant’s motion does not contain a copy of the county court’s judgment or any evidence that Appellant filed a supersedeas bond as required. See TEX. PROP. CODE ANN. § 24.007; *Marshall*, 198 S.W.3d at 786. Appellant’s motion for emergency relief is DENIED without prejudice to Appellant refiling a motion that shows compliance with the statute.

FILE COPY

Here is a timeline of events—this is NOT part of the order.

19 Oct 2020 Notice to vacate

03 Nov 2020 Eviction Citation

07 Dec 2020 Bexar County JP1, PL2: Default judgment for eviction

19 May 2021 CCAL3: judgment for possession (forcible detainer), attorney's fees

25 May 2021 NOA filed in 4thCOA

12 Aug 2021 County court denied motion to set aside May 19, 2021 judgment

03 Sep 2021 Writ of possession filed in Bexar County District Court

08 Sep 2021 Writ of possession "completed"

15 Sep 2021 Emergency Stay of writ of possession requested

Patricia O. Alvarez, Justice IN WITNESS WHEREOF, I
have hereunto set my hand and affixed the seal of the said court on this 16th day of September,
2021. _____ MICHAEL A. CRUZ, Clerk of Court